

WHAT THE KURDS
REALLY WANT
ELIZABETH RUBIN

WHAT SODOMY LAWS
REALLY MEAN
ANDREW SULLIVAN

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THE NEW REPUBLIC

AGAINST WAR WITH NORTH KOREA

MICHAEL LEVI, JOSHUA KURLANTZICK, ERIC WEINER, THE EDITORS

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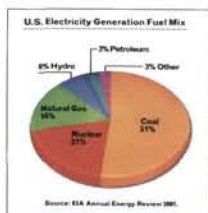


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THE NEW REPUBLIC

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CORRESPONDENCE

HONOR THE DEAD, STOP THE SHUTTLE The Editors

THE

DO ECONOMISTS UNDERSTAND
CULTURE? Clifford GeertzDO DOCTORS UNDERSTAND
HISTORY? Sherwin B. Nuland

FEBRUARY 17, 2003

HOW THE
DEMOCRATS
CREATED
AL SHARPTONBY THE EDITORS OF
THE NEW REPUBLIC

WASTE MANAGEMENT

MICHELLE COTTLE MANAGED TO write an entire article on Reverend Al Sharpton and the Democratic Party without once mentioning, let alone exploring, the play of politics between Sharpton and black Democrats, especially New York City's Charlie Rangel ("Black Power," February 17). How is it possible to understand Sharpton and where he fits into the Democratic Party without doing this?

What besides Sharpton's celebrity—infamy—makes him worth an article anyway? *THE NEW REPUBLIC* doesn't believe he is a serious contender any more than I do; and *TNR* doesn't believe he represents African Americans any more than I do. So little of import that defines the African American community makes it into *TNR*'s pages that to waste space on Sharpton is truly insulting. I don't need another cartoon; I need some real insight.

CHARLES COBB JR.
Washington, D.C.

THE DEMOCRATS' PROBLEM WITH Sharpton is at heart the same problem vexing them on nearly every issue: a dearth of principles and guts. They should loudly divorce themselves from Sharpton, Jesse Jackson, and other shameless race-hustlers—whatever their color—take the short-term political heat for it, and reestablish themselves as the leaders of genuine racial decency. But don't hold your

breath. This is the same party that pretended not to have an opinion regarding war with Iraq during the months leading up to the midterm elections, then grudgingly gave President Bush war powers so they could get back to their "winning" issues, such as the minimum wage and prescription drugs. They are political strategists looking for principles. It's supposed to be the other way around.

VINCENT BASEHART
Los Angeles, California

ROUND TWO

ISERVED IN SAUDI ARABIA AND IN Kuwait as an anti-tank missile man in the 1st Light Armored Infantry Battalion, 1st Marine Division during Desert Storm (Zainab Al-Suwaij, "The Fire Last Time," February 10). Up until the ground war, we were told that the American forces would continue on to Baghdad and eliminate Saddam Hussein and his regime. All of us felt personally betrayed when we were denied the opportunity to rid the world of this evil. As I listened on the radio to the reports of the uprising and its catastrophic defeat, I was sickened that my government would so callously turn its back on those who fought for freedom. Now, reading Zainab Al-Suwaij's account, I am confronted with the full magnitude and horror of the senior Bush administration's crime. Al-Suwaij writes, "Could it possibly be that President George W. Bush will bring justice and liberation where his father failed?" I, too, wait for that answer.

ASHER ABRAMS
Portland, Oregon

REMOTE CONTROL

MICHAEL CROWLEY WRITES THAT "TiVo allows you to take control of the TV schedule rather than the other way around" ("Ad Share," February 10). This is like saying prostitution allows you to take control of your sex life. Part of the aesthetic of television depends on the rhythm of the weekly schedule and the commercial breaks. Unlike most other art

forms, television does not allow the spectator to control the timing of the experience. I always thought that was one of the medium's charms.

RICK VARCO
St. Paul, Minnesota

SHOWCASED

ICAN'T BELIEVE *TNR* IS NITPICKING over General Wesley Clark's being "overtly political" while also holding a job as commentator for CNN (Notebook, "General Opinion," January 27). If he has "the makings of the Democrats' dream presidential candidate," let's let him show his stuff to the United States. It's not as though he's got an unfair advantage. As high-profile leaders, most of the prospective candidates will have plenty of hours on national television to make themselves and their views known on a wide range of topics. Let's not tear down the one candidate we might have with significant (and successful) experience as a military leader over a Federal Communications Commission technicality. As far as I'm concerned, if Clark is not commenting beyond military affairs or asking viewers to vote for him, it's no harm, no foul. He can only help his party by expanding the range of candidates and insights that voters can expect from the Democratic Party.

CHRIS DIXON
Lexington, Kentucky

GIFTED

PETER BEINART SEES HYPOCRISY IN the opponents of affirmative action, who also support legacy college admissions (TRB, "Blind Spot," February 3). Here is a solution: Colleges can keep their legacy admissions if they give up their charitable status. If alumni give with the expectation that their kids will get favorable treatment, then it really isn't a gift, as they are expecting a return. So all universities can choose, either charitable status or legacy admissions, not both.

WILLIAM N. HOKE
Manhattan Beach, California

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Africa's health crisis

There is an unprecedented health crisis in sub-Saharan Africa.

Malaria has rebounded steadily since the 1970s, largely due to the end of antimalarial spraying. Of the one million people who die of malaria every year worldwide, at least 70% are African children.

Nearly 30 million people there are living with HIV/AIDS, including 10 million between the ages of 15 and 24 and three million children under 15. Last year 2.4 million Africans died of AIDS, and 3.5 million were newly infected.

HIV also brings tuberculosis (TB) in its wake. Together, HIV and TB are a lethal combination, each speeding the other's progress.

The economic impact of the three scourges of malaria, AIDS and TB has been enormous. For example, HIV/AIDS strikes hardest at people in the prime of their lives and leaves behind orphans and destitute elderly dependents. Because it can ravage the adult population of rural areas, it contributes to agricultural decline and malnutrition, even starvation.

Just as there is a gathering crisis, there is a gathering response. Global institutions and governments are joining the fight. One example is the Global Fund to Fight AIDS, Tuberculosis and Malaria. This is a newly formed intergovernmental organization funded largely by the major industrialized countries. It recently distributed its first round

of grants. And President Bush has asked Congress for substantial additional funds to fight AIDS in Africa.

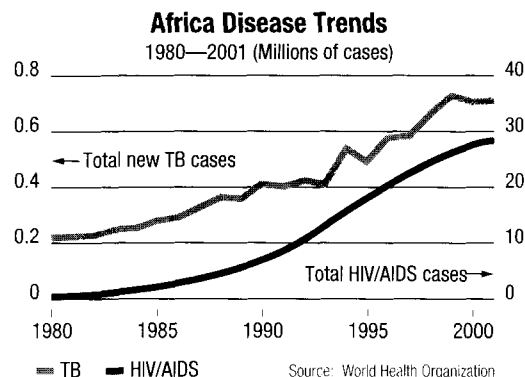
Several other organizations deserve special mention: the Global Business Coalition on HIV/AIDS, the Global Health Initiative Task Force of the World Economic Forum, the World Health Organization's Roll Back Malaria initiative and the Corporate Council on Africa. These organizations

and others like them are dedicated to mobilizing the resources and skills of private companies in improving public health. ExxonMobil is actively involved in their work.

Private companies benefit from healthy communities and a healthy work-

force. That is why we help provide clean water and vaccination programs, and why we support the initiatives just mentioned. We are also well acquainted with the local communities where we operate. In addition to financial aid the private sector can, because of this familiarity, provide employee involvement, logistical support, training, local health infrastructure and, most important of all, a path to better living conditions in the form of employment and economic development.

The health crisis in Africa is too big for the governments there to handle by themselves. They need help — from other countries, from responsible NGOs and from the private sector. All can join together to help offer an effective response to deadly disease — and hope to millions.



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Truth Be Told

WHY DOES SO MUCH of the world think the Bush administration has hidden, nefarious motives for its war in Iraq? Partly, it's because Marxism isn't entirely dead—and many people still assume that U.S. foreign policy is governed by a rapacious, imperialistic desire for profit or, in this case, oil. Partly, it's because anti-Semitism isn't dead—and many people still assume that Jews run the United States for Israel's benefit. The responsibility for these misguided, toxic analyses lies mostly with other societies and other governments. But there's a third reason for the world's radical distrust of America's war effort, and, for this, the Bush administration has only itself to blame: It keeps saying things about Iraq that turn out not to be true.

On December 7 of last year, Iraq, as demanded by U.N. Resolution 1441, gave the Security Council a report on its weapons programs. The Bush administration quickly accused Baghdad of leaving out key information. In particular, noted the State Department, "The declaration ignores [Iraq's] efforts to procure uranium from Niger." In his January 28 State of the Union address, the president cited the uranium deal as evidence of Saddam Hussein's continuing nuclear aspirations. To prove their case, Britain and the United States handed over documents detailing Iraq's attempted uranium purchase to U.N. inspectors.

The inspectors reviewed the documents—hiring independent authentication experts to evaluate the handwriting and signatures. And then, last Friday, Mohamed ElBaradei, head of the International Atomic Energy Agency (IAEA), told the Security Council something startling: The documents were crude forgeries. The Iraqi officials who had allegedly tried to buy the uranium were not even in their jobs at the time the documents were supposedly written. Confronted with ElBaradei's findings last Sunday on CNN's "Late Edition," Colin Powell changed the subject, "If that issue is resolved, that issue is resolved. But we don't believe that all issues with respect to development of a nuclear weapon have been resolved."

Unfortunately for the administration, its claims about other nuclear "issues" haven't held up much better. In his September 12, 2002, speech to the Security Council, President Bush claimed that Baghdad had made



"several attempts to buy high-strength aluminum tubes used to enrich uranium for nuclear weapons." In early January, the IAEA contradicted Bush once again, arguing that the 81-millimeter aluminum tubes were "not directly suitable" for enriching uranium and were more likely meant for conventional artillery rockets. As David Albright, a physicist and former U.N. weapons inspector currently at the Institute for Science and International Security has explained, the 81-millimeter tubes, with their small diameter and thick walls, were poorly designed to enrich uranium. Indeed, he notes, "No one has ever . . . produced significant amounts of uranium in a cascade of such machines." In fact, when Iraq was enriching uranium in the late '80s, it used tubes of an entirely different kind.

Experts inside the Bush administration itself agreed. While analysts at the CIA peddled the tubes-for-enriched-uranium theory, gas-centrifuge specialists at the Department of Energy (DOE) were skeptical. "I would just say there is not much support for that [nuclear] theory around here," one DOE expert told *The Guardian* on October 9, 2002. But, undaunted, the president cited the aluminum tubes in his State of the Union speech. And, on February 5, Powell repeated the claim once again. In particular, he noted that the tubes Iraq tried to buy were "anodized"—they contained a thin, anti-corrosive film supposedly necessary for use in nuclear centrifuges.

But the anodization actually undermines Powell's case. Since "bare aluminum without any coating is resistant to corrosion by uranium hexafluoride, the process gas in a centrifuge," Albright wrote in a March 10 report, "a well-known unclassified fact is that anodization is not necessary for a centrifuge." By contrast, the conventional rockets Iraq purchased from Italy in the '80s had corroded in storage, which helps explain why Baghdad wanted to purchase anodized tubes when it tried to build more such rockets in 2000.

Last Friday, ElBaradei delivered the final blow. The IAEA had discovered blueprints, invoices, and notes showing that, in its quest to build better artillery rockets, Iraq had for 14 years sought noncorrosive tubes of exactly the type Powell cited. Asked to respond on "Late Edition," Powell replied, "We still have an open question with respect to that," hardly a ringing endorsement of a claim showcased by the president of the United States in two nationally televised speeches.

The apparent disproval of two key pieces of evidence does not mean the Bush administration is wrong to suspect that Saddam is still pursuing nuclear weapons. Indeed, everything we know about the man makes it highly implausible that he shelved his nuclear ambitions between 1998 and 2002, when he was free to pursue them absent international inspections. But, for most opponents of the Iraq war, Saddam's trustworthiness isn't the issue; President Bush's is.

This is the same president, after all, who famously claimed in an October 7, 2002, speech that "Iraq is exploring ways of using these UAVs [unmanned aerial vehicles] for missions targeting the United States"—although American officials later admitted that the UAVs had a maximum range of several hundred miles. It's hard to believe such a whopping error made it into President Bush's speech by accident. It equally strains credulity that America's intelligence services were so incompetent that they missed the obvious uranium-document forgeries the IAEA discovered so easily. And it is even harder to believe that the Bush administration was unaware of the flimsiness of its aluminum-tubes evidence—given that experts at the DOE made exactly this point behind closed doors. Absent some convincing explanation by the White House, the most plausible theory is that key officials in the Bush administration knew—or at least suspected—they were making false claims. And they made them anyway.

By the time you read this column, the Bush administration may well have lost its bid for U.N. authorization for the war. If so, American officials and commentators will no doubt chalk up the defeat to anti-American suspicion among countries motivated by timidity, resentment, and pique. And they'll be partly correct. But it's worth noting that the suspicion isn't entirely irrational, given what Security Council members have witnessed over the past several months. If the Bush administration wanted to win the world's trust, it should have started by telling the truth.

PETER BEINART



Kurt M. Landgraf,
President & CEO of
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No Child Left Behind: One Year Later

It has been just over a year since President Bush signed into law the No Child Left Behind Act, answering the question: Does the federal government have a significant role to play in K-12 education?

In enacting this landmark legislation, the Congress and the President answered it with passion and pragmatism. There has been bipartisan support to make the law a reality in every classroom in every county in America, based upon standards and accountability. Real progress is being made: five states have had their accountability plans approved and all 50 states have submitted their accountability plans on time. The U.S. Department of Education is conducting informal meetings with state representatives to consult with them.

So what can the rest of us do?

Here at Educational Testing Service our answer has been — and still is — quite a lot, actually.

Just recently, the New Jersey Department of Education awarded ETS a four-year, \$35 million contract to oversee the development and administration of reading and math tests for more than 200,000 third- and fourth-grade students. The New Jersey contract is the third testing program ETS will manage to help states and territories comply with their requirements under the No Child Left Behind Act, after those in California and Puerto Rico. In addition, ETS is a test-development subcontractor for K-12 testing programs in Georgia and Florida. ETS looks forward to working with all of them to provide these assessments so that their children may continue to demonstrate their educational progress.

But ETS has done more than just win

major testing contracts. With all the emphasis on testing in NCLB, many people have questions and concerns about the proper role of assessment in their schools. In the face of the very real need for information about standardized testing, it is clear that those of us who support standards-based reform, education accountability, and the use of standardized testing as one key element to achieve those objectives have to take our case to voters, taxpayers, opinion leaders, and public policymakers.

But, we also have to make an extra effort to reach out to teachers and parents, to answer their questions and listen to their concerns. The overarching goal is to increase people's understanding of testing and how it supports teaching and learning — to help the public make informed judgments about what is happening in our schools. Knowledge is the best conduit to accurate understanding.

ETS has a social responsibility to engage in this discussion and to inform people about testing, including its proper use and how we ensure that tests are fair. To stand passively on the sidelines is not an option.

We have initiated a special effort called "Log On, Let's Talk." Its purpose is to stress appropriate assessment use. It's about sharing, not spinning. It's about providing facts and insights from the worldwide leader in assessment.

ETS has been doing a lot to help American schools take advantage of the opportunity for education reform. We expect to do even more. We believe in the children of this great nation and their right to an excellent education.

We invite you to continue this dialogue by sharing your thoughts and questions at www.ets.org/testing or by mail.

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Bomb Scare

IT IS ONLY because the United States stands on the brink of one war that so few people notice how close we are to another. In recent months, North Korea has begun an escalating series of provocations: violating a 1994 agreement with the United States in which it promised to freeze its nuclear program; admitting to a secret uranium-enrichment program that could deliver weapons-grade material; expelling International Atomic Energy Agency (IAEA) monitors from Yongbyon, a facility that can

reprocess plutonium and produce nuclear weapons; and launching two missiles into the Sea of Japan. American intelligence now estimates that the North may have one or two nuclear weapons, which it could use or sell on the black market.

In response, the Bush administration, which until recently had either ignored North Korea or insisted on multilateral negotiations with Pyongyang, has adopted a harder line. This month, President George W. Bush demanded Pyongyang abandon its nuclear program and explicitly said military force might be used against the North, while Defense Secretary Donald Rumsfeld recently warned North Korean dictator Kim Jong Il that the United States could fight two wars at once. Backing up its words, the Pentagon has sent 24 long-range bombers to Guam that could be used to strike North Korea. And the White House reportedly is drawing up plans for an airstrike on Yongbyon, a move North Korea says would prompt all-out war.

That would be a military and political catastrophe. North Korea possesses a million-man army and roughly 13,000 pieces of artillery, more than 70 percent of which are positioned within 50 miles of Seoul. It may even be able to lob a nuclear weapon at that city of more than 15 million people. U.S. intelligence reports estimate a conflict could result in one million deaths and massive devastation in South Korea. And, though some administration officials have suggested that Kim Jong Il's

military is a paper tiger, North Korea specialists vehemently disagree, noting that Pyongyang's army is one of the most dedicated in the world and would unleash thousands of rounds of artillery within the first hours of a war.

A U.S.-initiated conflict would also devastate America's alliances in Asia. The South Korean government and people adamantly oppose war. A U.S. strike that condemned hundreds of thousands of South Koreans to death (Rumsfeld recently suggested that the United States might withdraw its own troops from South Korea, presumably to spare them the consequences of such a strike) would be an inglorious first: Washington essentially killing an ally's people without their consent. (At least initially, many South Vietnamese supported America's role in their conflict, and polls show a plurality of Israelis support a war with Iraq.) It is hard to imagine such a decision elsewhere in the world—Would the White House strike Syria without Israeli consent? Would we bomb Ireland without consulting 10 Downing Street?—but then the Bush administration has consistently ignored Seoul, embarrassing former South Korean President Kim Dae Jung in 2001 by publicly denigrating his policies. Other countries in Asia, the one region of the world where the United States faces, in China, a superpower rival, would have little reason to trust a country willing to lead its ally's people to slaughter.

Tightening sanctions on the North,

another prospect the Bush administration has considered, would be less devastating than war but sadly ineffective. As Marcus Noland, a Korea expert at the Institute for International Economics, has noted, the value of impoverished North Korea's illicit exports—drugs, counterfeit money, weapons technology—exceeds the value of those legitimate exports that sanctions would restrict. Kim Jong Il and his close circle have not been affected by the North's economic collapse: Kim has purchased hundreds of \$100,000 Mercedes cars and would feel no personal pain from an economic embargo. China, the one country whose trade really matters to Pyongyang, refuses to even contemplate imposing sanctions.

Given the inefficacy of sanctions and the nightmare of war, starting immediate, comprehensive bilateral negotiations with the North is the best of a bad set of options. The only kind of talks the Bush administration has been willing to contemplate are multilateral. (As Nicholas Eberstadt of the American Enterprise Institute has noted, many in Washington have shied away from bilateral talks because they give Kim Jong Il too much credit as a negotiator, even though he has made major mistakes.) But no other country in the region has embraced such talks. And, in waiting for the unlikely multilateral option to present itself, the White House allows Kim Jong Il to determine the pace and tenor of the standoff and runs the risk that, by the time serious discussions begin, he will possess several more nuclear bombs.

Bilateral negotiations would not constitute a return to the 1994 agreement—to negotiate in order to get back to that place would be to give in explicitly to North Korean blackmail. Instead, the White House could ask the North to not just freeze but also verifiably end nuclear programs, something the 1994 deal only required in the distant future. Any plutonium fuel rods the North possesses would be destroyed. And, unlike the 1994 agreement, these talks would be all or nothing: Pyongyang could only gain rewards by

rapidly fulfilling all the conditions set.

What's more, to verify that the North is ridding itself of its nuclear ambitions, the White House should insist that inspection teams be made up not merely of IAEA appointees but of American delegates, who would monitor the destruction of the North's nuclear programs. And, unlike the 1994 deal, which restricted the inspectors to sites where the North had started reprocessing uranium or plutonium, thereby blinding them to any new facilities Kim Jong Il might be developing, this new agreement would allow inspectors access to any site they considered suspect.

In return, Washington could recognize North Korean sovereignty, promise not to invade, and move rapidly toward political and economic normalization, including helping the North develop energy sources — though not, as it did in 1994, nuclear ones.

Though Kim Jong Il's behavior is highly unpredictable, there is at least some reason to believe such an approach could work. In recent years, he has shown some limited willingness to accept changes that did not threaten his rule, such as approving economic reforms that liberalized some price controls and created free-market special economic zones and reaching out to Japan by apologizing for North Korea's past abductions of Japanese citizens. As several Korea experts have suggested, the paranoid, perennially frightened leadership in Pyongyang has repeatedly emphasized its craving for long-term security, which the United States would be providing via a guarantee and an armistice. And, as Michael O'Hanlon of the Brookings Institution has noted, with the secretive, isolated North Korean regime, foreign countries can only get their messages across via grand gestures that grab the attention of the North's leaders — as China did in 1994 by threatening to slash aid to the North, which helped push Pyongyang to make a deal with the Clinton administration that year — and offer them a vision for the future.

Skeptics rightly note that Pyongyang cheated on that deal by secretly pursuing a uranium-enrichment program. But it's also possible that this cheating was partly prompted by the North's feeling — as early as 1995 — that, by not normalizing economic and diplomatic relations, the United States was reneging on the deal itself.

Although other countries in the region have rejected multilateral negotiations,

embarking on bilateral talks actually could strengthen America's position vis-à-vis its allies. While segments of the population in South Korea and Japan, including new South Korean President Roh Moo Hyun, have recently expressed doubts about ties to the United States, ultimately all three nations are working toward the same goal of disarming the North. Bilateral talks conducted with the quiet support of South Korea and Japan would allow Roh Moo Hyun, who is still gaining his footing, to work behind the scenes to bolster negotiations while not appearing to blindly support the United States, an image that angers South Koreans. After all, as Victor Cha, a Korea expert at Georgetown, has suggested, Roh Moo Hyun may not prove anti-American. His predecessor, Kim Dae Jung, was also perceived as suspicious of Washington when entering office but wound up being extremely pro-American, despite tensions with the Bush team at the end of his term.

While negotiating, the United States and its allies should simultaneously bolster efforts to control Pyongyang's proliferation — efforts that do not directly target the North Korean army or regime and are therefore less likely to provoke a conflict. Working with the Japanese and Australians, the two main naval powers among our allies in Asia, the White House could initiate a more concerted program to check and intercept North Korean missile exports on the high seas, something the United States should have done when it discovered in December that North Korea was shipping missiles to Yemen.

Washington also could help organize a regional consortium of financial institutions in Asia and Europe designed to track and block North Korea's revenues from drug smuggling, gun-running, counterfeiting, and, most worryingly, potentially selling fissile material on the black market. As financial institutions have begun to do with the accounts of various terrorist organizations, this consortium could institute more comprehensive checks on Pyongyang's accounts overseas to prevent them from peddling fissile material and other illegal products. As Joshua Kurlantzick writes in this issue ("Traffic Pattern," page 12), the United States also could pressure

foreign governments to more thoroughly investigate North Korean diplomats residing in their countries before allowing them residence and, essentially, diplomatic immunity from most criminal investigations. And the United States could encourage a refugee exodus from the North, which might weaken Kim Jong Il's hold on power. The United States could have administration officials give speeches highlighting the refugees and offer China financial incentives to provide legal status and safe haven for them. Washington could also push Beijing and the Office of the U.N. High Commissioner for Refugees to deploy refugee specialists to the North Korea-China border area to help refugees win safe passage without fear of being forcibly repatriated to the North by the Chinese security services.

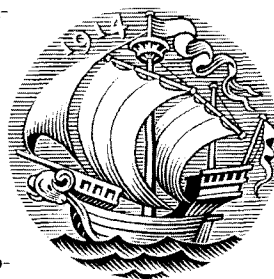
Negotiating does not mean abandoning the possibility of ever using force. The armies on the Korean peninsula have been dug in to basically the same spot for five decades, and there is little potential for surprise, so a conventional war six months or a year from now would probably look little different from a conventional war with the North in one month. And, if the White House demonstrated that it had first tried to negotiate with the North in good faith, it would be easier to fight Pyongyang with the backing of key allies South Korea and Japan.

Favoring bilateral negotiations and a counter-proliferation regime, rather than combat, does not imply viewing North Korea as a lesser threat

than Iraq. To the contrary, it's precisely because Pyongyang — which may already have a nuclear weapon — poses a greater threat than Baghdad that military force is today not a serious option.

In Iraq, with its far weaker military, war is difficult but possible. In North Korea, the consequences — in human lives, in the destruction of U.S. credibility in Northeast Asia and the world — are too vast to contemplate currently.

In Iraq, negotiations and inspections are problematic, unpalatable, and the United States has a better alternative. In North Korea, they are problematic, unpalatable, and our only hope. Let's hope the Bush administration grasps the distinction. ■

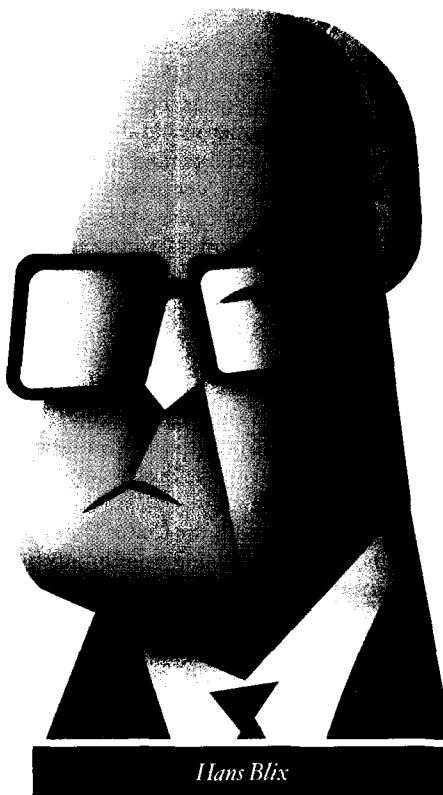


NOTEBOOK

BLIX'S OMISSIONS... BUSH'S CONVERSION... PELOSI'S REGRESSION

SPEAK NO EVIL

ON MARCH 7, WHEN HANS BLIX delivered his much-anticipated testimony regarding Iraq's compliance with U.N. Resolution 1441 to the Security Council, his assessment was decidedly upbeat, emphasizing Saddam Hussein's destruction of 34 Al Samoud 2 missiles, which he described as "a substantial measure of disarmament." The Bush administration and various news outlets, however, have since pointed out that a rather different picture emerges from the 173-page report that Blix circulated privately to Council members the same day. Specifically, they've pointed to this damning admission: "Recent inspections have also revealed the existence of a drone with a wingspan of 7.45 metres that has not been declared by Iraq." Why did Blix leave this detail out of his presentation? His spokesman replied that the drone has not yet been tested to determine whether it has a range of over 150 kilometers—the maximum distance set by earlier U.N. mandates. But Blix should know that's not the point. U.N. Resolution 1441 is crystal clear in demanding that Saddam declare *all* such drones—which he's known to have studied for use in the dispersal of chemical and biological weapons—whether or not they exceed the 150-kilometer range. But, even as the media has focused largely on the drone, many other Iraqi omissions, obfuscations, and outright lies chronicled in Blix's report have gone relatively unnoticed. In its December 7, 2002, declaration, Iraq also said that tests on remotely piloted vehicles outfitted with devices that spray chemical weapons were "inconclusive" and were abandoned in 1988. To the contrary, Blix's report concludes, "Spraying devices modified for CBW [chemical and biological weapons] purposes may still exist in Iraq." In another passage, the report notes that inspectors recently found a 122-millimeter submunition for a chemical or biological cluster bomb. Not only did Iraq fail to declare it, but the report notes that Iraq



Hans Blix

clearly lied in its declaration when it claimed that it had not filled cluster bombs with chemical agents. Then there's the discovery that Iraq "has repaired 3 pieces of production equipment it previously destroyed under UNSCOM supervision," according to the report—a detail that might have been interesting for Blix to explain in his public presentation. Did you know that the inspectors believe that Iraq was not forthcoming about its past research into weaponizing hallucinogens? That's in the report, too. And then there's anthrax. According to the report, Blix believes that Saddam had about 7,000 liters more anthrax than has been declared, was lying when he declared that anthrax production stopped in 1990, and was lying again when he declared that weaponized anthrax was never deployed during the Gulf war. The report assumes "that about 10,000 litres of anthrax was not destroyed and may still exist." If that's not enough, Iraq currently possesses the technology, expertise, and equipment needed for

"producing anthrax on at least the scale of its pre-1991 level." Ditto for botulinum toxin type A, which the report notes is the most lethal bacterial toxin known to man and is 15,000 times more deadly than VX nerve gas. Doesn't sound very upbeat to us.

BAD MEMORY

REMEMBER RWANDA! THAT SEEMS to be the Bush administration's new cry as it argues for why the U.N. Security Council should not be the final arbiter on war in Iraq. "It was unfortunate that the Security Council couldn't act in Rwanda," national security adviser Condoleezza Rice recalled last weekend. "There was a very poignant discussion yesterday by President Kagame of Rwanda saying that sometimes the Security Council isn't right, that somebody should have acted, despite Security Council inaction, to save a million people in Rwanda." Ari Fleischer has since taken to citing Rwanda in his press conferences, arguing in one instance, "[W]hen it came to saving lives in Rwanda... the United Nations Security Council sat on the sidelines." The implication, of course, is that, if we'd only had Bush's decisive, we-can-tell-good-from-evil leadership back in the 1990s, U.S. power would have put a stop to the Rwandan genocide. Except that it wouldn't have. During the 2000 campaign, candidate Bush, fresh from his foreign policy tutorials with Rice, repeatedly stated that, had he been president in 1994, he would not have intervened in Rwanda—except under U.N. auspices! In a January 2000 interview on ABC's "This Week," Bush was asked what he would do if another Rwanda took place. "I would work with world organizations and encourage them to move," he replied, "but I would not commit our troops." He elaborated in a February 2000 interview with Jim Lehrer: "[W]hile Africa may be important, it doesn't fit into the national strategic interests, as far as I can see them. Now, that doesn't mean that we

couldn't have rallied folks such as the United Nations to go help keep warring parties apart in Rwanda." It's bad enough Bush would have done little or nothing to stop an African genocide; it's worse that his advisers would abuse the memory of one to justify their current policy on Iraq.

RADICAL CENTRIST

WHEN SAN FRANCISCO DEMOCRAT Nancy Pelosi took over as House minority leader following last November's election debacle, this magazine worried that, despite her efforts to remake herself as a moderate—referring to herself, for example, as “an Italian-American grandmother”—she would ultimately revert to her liberal roots, likely taking the House Democratic caucus with her (see Michael Crowley, “Follow the Leader,” November 25, 2002). And, last week, she began doing exactly that. Speaking at the Council on Foreign Relations in New York, Pelosi complained that, though George W. Bush's invasion of Iraq “is too far down the road, and I don't think he's turning back,” things could have been different if Democrats had followed an alternative game plan last fall. “If the Democrats had spoken out more clearly in a unified vote five months ago in opposition to the resolution, if the people had gone onto the streets five months ago in these numbers in our country and throughout the world, I think we might have been in a different place today,” Pelosi said. Really? At

the time, polls showed that voters trusted Republicans over Democrats on national security by as much as a three-to-one margin; they generally approved of the way Bush was handling foreign policy by a two-to-one margin. While it is doubtless true that the Democrats' wishy-washiness on Iraq cost them votes, full-throated opposition would almost certainly have been far worse. Just ask Senator Max Cleland, a triple-amputee war veteran who, despite his support for the congressional resolution authorizing force against Iraq, was nonetheless beaten by an opponent who painted him as soft on security. Indeed, Democratic campaign officials have noted that their candidates' poll numbers began to plummet in competitive districts last year once the party came to be defined as opposing the president on Iraq. As for attaching the Democrats more closely to the people going into “the streets,” it is worth noting that one of the primary organizers of the recent antiwar movement has been International ANSWER (Act Now to Stop War and End Racism), a group associated with the socialist Workers World Party and far enough to the left that it banned Michael Lerner, the ultra-liberal editor of *Tikkun*, from speaking at one of the protests. Not exactly the organization you most want swing voters to associate with the Democratic Party on Election Day. Minority Leader Pelosi's newfound centrism, it seems, is still a work in progress. ■

Inside the Box | Bruce Reed

GOING SOLO

Bush says U.S. is willing to go it alone in Iraq: “If I cared about the popular vote, I wouldn't be here.”



TARGET PRACTICE Fleischer says North Korean nuclear buildup is not a crisis: “We knew we were going to lose those West Coast states anyway.”

DYNAMIC WARRING White House won't say how much war will cost: “It's like our tax cut—if you have to ask, you can't afford it!”

COMEBACK KIDS Clinton, Dole spar on “60 Minutes.” Sign of how far Dole has come as a debater: “OK, so maybe they're not *all* Democrat wars.”

MILITARY SURPLUS White House insists Saddam won't be able to destroy his own assets: “He doesn't have our economic team!”

NEW HIRE Chelsea Clinton goes to work for McKinsey. Conservatives' lament: “We didn't shrink the economy by two million jobs to have a Clinton get one!”

BUCK PRIVATE

House GOP gets in trouble for loading troop aid bill with favors for lobbyists. DeLay's response: “But those *are* our troops.”

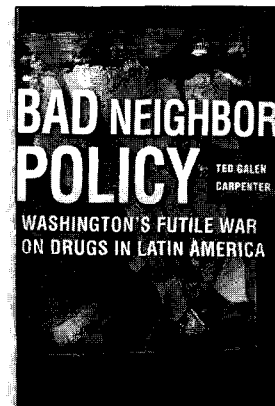


SPITTING IMAGE Janet Rehnquist resigns HHS post over allegations she delayed Florida pension audit to help secure Jeb Bush's election. Gore's reaction: “It's hard going into the family business!”

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Pyongyang's diplomatic mafia. Traffic Pattern

BY JOSHUA KURLANTZICK

IN RECENT WEEKS, as nuclear tensions have mounted between the United States and North Korea, many commentators, and some Bush administration officials, have emphasized the frightening prospect of Pyongyang loading newly manufactured nuclear warheads onto its long-range missiles. After all, in just the past two weeks, the North has launched two missiles into the Sea of Japan, suggesting that Kim Jong Il could target nearly any country in East Asia, including U.S. allies Japan and South Korea. Last month, moreover, American officials announced that North Korea would soon be able to produce missiles capable of reaching the United States. No wonder the Bush administration is speeding up construction of a national missile defense system.

But, as scary as nuke-tipped North Korean missiles might be, they are not the biggest threat to the United States. More terrifying, Pyongyang could sell its fissile material on criminal black markets. In fact, more than Iraq, Iran, or even Al Qaeda, North Korea is perfectly positioned to proliferate fissile matter, for a reason that has gotten little recent attention: The North Korean diplomatic corps, over the last decade, has evolved into a global criminal network involved in counterfeiting, drug trafficking, and arms trading. This experience with illicit international transactions makes it far more plausible for North Korea to sell fissile material to, say, a Saddam Hussein or an Osama bin Laden. And missile defense would do nothing to stop it.

SINCE THE END of the cold war, when Pyongyang's Stalinist economy began to implode, North Korea's foreign service has gone from working to spread international socialism to struggling to feed itself. According to Asian diplomats, few North Korean embassies receive any money at all from Pyongyang, forcing them to fend for themselves. Nonetheless, if they *can* obtain enough money on their own, these diplomats can enjoy a capitalist lifestyle totally unlike the drab, austere world of the North. So North Korean diplomats have gradually reorganized the foreign service into a criminal, money-making enterprise. "It's the mafia masquerading as a government," James Przysup, an Asia analyst at the National Defense University, explained to *U.S. News and World Report*. "There is an extensive criminal network of North Korean diplomats," agrees Marcus Noland, a Korea expert at the Institute for International Economics.

Throughout the 1990s, North Korean diplomats were engaged in currency counterfeiting and smuggling. Working out of Pyongyang and their embassies abroad, North Koreans

began mass-producing counterfeit bills. Intelligence agencies have caught North Korean officials with phony \$100 bills in Mongolia, Russia, Cambodia, and other countries. In one incident, in 1999, Russian police nabbed a North Korean trade attaché in Vladivostok with \$30,000 in counterfeit money.

Through their counterfeiting efforts, North Korean envoys reportedly developed links to European and Asian criminal syndicates. By the late '90s, Pyongyang was using these links to peddle endangered species, ivory (since 1996, at least six North Korean diplomats have been found smuggling elephant tusks and rhinoceros horns in Africa), and, most notably, weapons technology around the world. In 1999, Germany began investigating North Korea's deputy ambassador to Berlin for weapons smuggling. According to Indian intelligence sources, the North sold its missile technology to Pakistan, a country the United States had isolated for developing its nuclear program. (Pakistan's Ghaury missile is based on the North's Nodong.) American intelligence officials have said that they possess satellite images of a Pakistani military plane picking up technology in North Korea as recently as last June. Last August, Slovakia's secret service uncovered a ring of North Korean agents—including a former economic counselor in the North Korean Embassy in Cairo—peddling missile components to Egypt. Indeed, according to American government analysts, North Korea made more than \$500 million from illegal weapons sales in 2001 alone. "Evidence has shown that the North will sell anything it can get its hands on, including its missile technology," says Sean Woo, a Korea expert on the staff of Kansas Senator Sam Brownback.

Worse still, Pyongyang's embassies have also branched out into drug trafficking, a business that could provide expertise that would be transferable to nuclear proliferation: Success requires concealing and transporting small, delicate packages; many criminal narcotics syndicates also traffic in weapons; and some terrorist groups that might be interested in acquiring nuclear material also have been involved in drug smuggling. (The lucrative opium trade, for example, was reportedly used to bankroll the Taliban and their Al Qaeda backers.) Over the past five years, Russian, Thai, Taiwanese, and other intelligence services have arrested North Koreans trafficking in methamphetamine, heroin, cocaine, and other drugs. In just one bust, Japanese police officers confiscated \$335 million worth of methamphetamine. (By comparison, Noland estimates that all of North Korea's legal exports are worth less than \$600 million per year.) Similarly, last July, Taiwanese police seized nearly 175 pounds of heroin they believed was delivered to the island on an official North Korean boat.

According to a 1999 investigative report by the Congressional Research Service, North Korea has been involved in at least 30 incidents linked to drug trafficking; in December 2002, American military officials in Seoul announced that drug trafficking had become a crucial source of foreign currency for Pyongyang. South Korea's intelligence service concurs, estimating that the North produces and smuggles 40 tons of methamphetamine per year.

IF NORTH KOREA chose to put its criminal expertise to work smuggling nuclear material, there might be little that foreign governments could do to stop them. While Asian intelligence services have arrested some North Korean counterfeiters and drug smugglers, most officers admit they catch only a small fraction of offenders. Because of the extensive Korean diaspora across Asia, North Korean officials can easily blend into local populations. Some members of the diaspora in Japan and other countries have historically been sympathetic to the North and willing to overlook Pyongyang's criminal activities. And North Korea's criminal foreign officers also reportedly take advantage of diplomatic protocols in their smuggling efforts. Around the world, diplomats are typically waved through customs, their bags barely checked. Most countries' embassies also are able to send each other diplomatic "pouches"—mailbags that are not investigated as they pass through postal systems. Indeed, the Congressional Research Service noted that North Korean "drugs are reportedly exported through China and Russia... via diplomatic pouches."

In some cases, nations have abandoned diplomatic proto-

col with regard to North Korea. The United States requires Pyongyang's envoys to the United Nations to notify the authorities when they leave the New York area. But crackdowns on diplomats are rare in other countries, and the State Department has shown little interest in limiting the confidentiality of diplomatic communications. (Understandably so: When items from U.S. diplomatic pouches or cables are leaked to the public, the United States protests vehemently.) The United States has exerted little effort to push other countries to investigate North Korean diplomats more closely at customs, so few do. Even though Thai intelligence officials have suspected North Korean diplomats of engaging in criminal activities, Thai customs still lets them enter the country with little more than a cursory check.

Once Pyongyang begins producing nukes, that kind of indulgence represents a far greater threat to U.S. security than our lack of national missile defense. If the United States is to live securely with a nuclear North Korea, we will need to restrict not only the range of their missiles but the range of their officials as well. ■

North Korea's hidden menace. Off Target

BY MICHAEL LEVI

PRESIDENT BUSH CAUSED barely a ripple on March 3 when he apparently shifted America's North Korea policy, remarking to reporters that if America's efforts "don't work diplomatically, they'll have to work militarily." And Bush's words may signify a broader shift: As the Korean crisis has escalated, more and more analysts—including some in the Bush administration—have begun arguing that a U.S. strike on North Korean nuclear targets may be worth the risk.

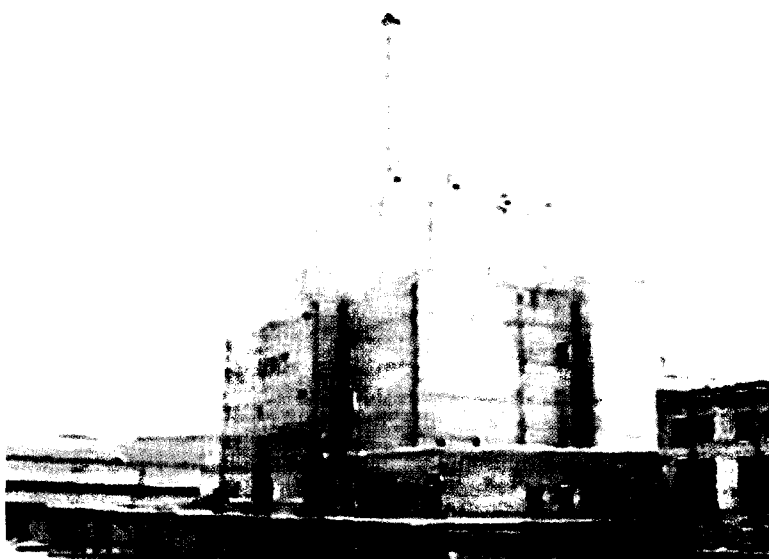
Many of these analysts believe the United States can strike without prompting a broader war, and they predict that the risks of lethal nuclear fallout from such a precision attack on North Korea's known nuclear sites may be minimal. But they are ignoring one critical problem: In 1994, when North Korea's program was restricted to three nuclear reactors plus the reprocessing of plutonium at Yongbyon, we might have been able to effectively eliminate it through precision strikes. By contrast, the current crisis stems from last October's revelation of North Korea's clandestine uranium-enrichment program, the location of which is unknown. Thus, eliminating Pyongyang's nuclear production capacity through precision bombing is now virtually impossible.

Michael Levi is director of the Federation of American Scientists' Strategic Security Project.

TARGET NUMBER ONE in a precision strike would be North Korea's reprocessing facility at Yongbyon, where plutonium is extracted from spent nuclear fuel for use in nuclear weapons. The only technological hurdle would be preventing the spread of radioactive fallout. And the good news for any such plan is that massive radioactive fallout is unlikely: A U.S. strike would almost certainly avoid dispersing more than a small fraction of North Korea's radioactive materials, and even this fallout would be largely contained within Yongbyon.

Why would fallout be contained? Inspectors saw the facility when it was roughly half finished in 1992, and American intelligence is thus able to infer what the completed plant looks like. Using this information, a careful strike that minimizes fallout should be possible. As a senior Clinton administration scientist told THE NEW REPUBLIC, "There are likely to be ways to destroy the reprocessing plant without causing major fires and using the collapse of the heavy concrete walls to trap most of the radioactive material in the rubble, thus avoiding serious fallout at distances much beyond the Yongbyon site itself." Another knowledgeable source confirms this, adding that the radioactive mess localized to Yongbyon could be a bonus, making it difficult for the North Koreans to return and salvage valuable materials, including spent fuel rods.

The other priority target would be North Korea's nuclear reactor, also at Yongbyon, which, remembering Chernobyl, people tend to assume could not be hit without a major radiological catastrophe. Careful analysis, however, shows the reactor could be struck with little risk of major fallout. North Korea's reactor is fueled with natural uranium, a toxic but barely radioactive material. As the reactor operates, nuclear fission converts the uranium to more radioactive substances; thus, the longer the reactor has been operating, the greater the



The problem isn't hitting Yongbyon. It's finding other nuclear sites whose locations are currently unknown.

danger of radiological dispersal. Since North Korea refueled its reactor with natural uranium before restarting it barely a month ago, the risk is greatly reduced. According to the Clinton administration scientist, "A direct attack on the reactor now, before it has operated for very long with its fresh fuel load, might not spread very much high-level radioactive material." According to another knowledgeable source, detailed calculations have shown that even in a worst-case scenario—high winds, a hot graphite fire that would loft radioactive materials high in the air so they might be carried far, and a reactor that had been operating for a long time—there would be no danger beyond North Korea's borders and no immediate radiation sicknesses or fatalities beyond Yongbyon.

IT'S TRUE, OF course, that no attack would be risk-free, even discounting the potential for North Korean retaliation. Small amounts of fallout would be detectable in South Korea, where the p.r. crisis could be far worse for the United States than the public health one. But the larger problem is not that Yongbyon can't be bombed for safety reasons; it's that North Korea contains other nuclear sites that the United States can't bomb because *we don't know where they are*. Since the United States last considered air strikes, in 1994, our knowledge of North Korea's nuclear landscape has greatly deteriorated. Indeed, the current crisis started in October 2002, when the administration disclosed for the first time its knowledge of North Korea's clandestine uranium-enrichment program. Though it might be more than a year before this program yields enough material for a bomb, our knowledge of the program is so uncertain that we cannot discount the possibility that it will be successful sooner. And, unlike the reprocessing at Yongbyon, the location of the uranium program is entirely unknown. Our evidence of North Korea's enrichment program is its purchasing of centrifuge equipment and associated materials, not satellite imagery of an enrichment plant.

The problem is much like in Iraq, where the world can rightly insist that Saddam has chemical weapons without being able to point inspectors to their locations. And, since, like a chemical plant, a centrifuge program consumes little electricity and can be physically small, American intelligence is unlikely to locate it. It is thus almost certain that any precision strike on North Korea's nuclear facilities will leave some of its uranium-enrichment program intact.

And hidden enrichment activity is not our only blind spot. In *Disarming Strangers*, Leon V. Sigal recounts that the possible presence of undetected plutonium-reprocessing facilities beyond Yongbyon was a crucial point of debate among American military planners in 1994. Today, North Korea is even more likely than in 1994 to have covert reprocessing facilities, potentially making a strike on Yongbyon even less comprehensive and, thus, less useful. Like enrichment plants, reprocessing facilities require little physical space or electricity to operate and are therefore very hard to detect. We have minimal ability to monitor their construction above ground, and the North Koreans, master tunnelers, may well have built underground, making detection all but impossible. In theory, plutonium reprocessing can be detected by mechanically sniffing for krypton-85, a gas produced by reprocessing. But emissions from Japan's and China's legitimate reprocessing facilities could drown out those from a covert North Korean program. During the 1994 crisis, some within the Clinton administration tried to rectify this by pushing for the emplacement of at least a dozen krypton-85 detectors inside North Korea. But such intrusive verification was deemed by American negotiators to be too offensive to the North Koreans, and the detector idea was scrapped, meaning that today the same uncertainty over covert facilities persists.

It would be nice if President Bush's view of the military option—if America's efforts "don't work diplomatically, they'll have to work militarily"—were accurate. But no amount of wishing will change the facts on the ground, and those facts dictate that what might be possible diplomatically—complete denuclearization of North Korea—is impossible militarily short of occupying the North. In 1994, military action, though unpalatable, was a genuine alternative for achieving the same objective sought by diplomacy. Unfortunately, it no longer is. ■

Ulysses

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Sulaymaniya Dispatch Spring Time

BY ELIZABETH RUBIN

THE CHERRY BLOSSOMS and forsythia are blooming on the slopes around Lake Dukan in the middle of Iraqi Kurdistan. Despite all the experts' warnings that war couldn't wait until spring because the Iraqi desert would defeat American soldiers, springtime has arrived—ahead of American troops—and with it the anniversaries of the Kurdish uprisings twelve years ago that swept through the mountain towns down to the plains to Irbil and Sulaymaniya, the two largest cities in Iraqi Kurdistan, and, finally, on March 21, when the Kurds celebrate the New Year, to Kirkuk. It's a grimy oil town under Saddam Hussein's control, but, to the Kurds, it is their Jerusalem. Just a few hours from Baghdad, and half an hour from the Kurdish front lines, oil was first discovered in Kirkuk in 1927. Today, more than one million barrels per day are pumped from its wells and ten billion barrels' worth of reserves are known to exist. As soon as the United States launches its attack on Iraq, everyone will vie for the Kirkuk prize—the Kurds, the Americans, the Turks (the Turkmen claim it was originally theirs, as does Turkey), and the Arabs. Geographically, however, it lies within the province of Kurdistan, and, if things go their way, the Kurds plan to make it the rich capital of their future.

On a sunny afternoon last week, at a decayed mountaintop fort above Chamchamal, a town five minutes from a checkpoint into Saddam-controlled Iraq and 45 minutes from Kirkuk, teenagers were kicking around a soccer ball, laughing, and climbing on the ruins. "Will you capture Kirkuk for us?" the kids began chanting to us. "We are sure we'll never see it before we die." Most of them have only heard about Kirkuk from refugees who arrive with tales of torture, from parents who fled their Kirkuk homes years before, or from oil smugglers and taxi drivers who slip between Kirkuk and Chamchamal with relative ease. Across the no-man's-land plains from the fort rises a ridge dotted with new Iraqi fortifications. A man from the Patriotic Union of Kurdistan (PUK), one of Kurdistan's two main rival political parties, told us the Iraqi soldiers spend most of their time quarreling about who has to take the next shift. Nevertheless, our presence started to spook the children. One of them shouted, "If you leave here now, Saddam won't kill us." Succinct and to the point, as children are: You—the West—are our only chance of seeing Kirkuk and a liberated Iraq, but your presence could also bring us menace and disaster.

Last Friday, the *peshmerga* (Kurdish fighters) invited dozens of foreign journalists in Sulaymaniya to their headquarters for the annual celebration of the town's 1991 uprising. It was rain-

ing, and there were no Kurdish civilians out for the parade. Trucks towing long-range artillery drifted by the small audience of Kurdish leaders and journalists. The cobras, a unit of special *peshmerga*, dressed in fatigues with black paint striping their faces and black bandanas tied tightly over their heads like rap stars, performed stylized attack skits. Two men circled each other. One grabbed the other, whacked his rifle out of his hand, wrestled him to the ground, "killed" him, and dragged away his "corpse." Then they lined up and ran one by one down the driveway, dove through a ring of burning gasoline and over a barrel, and somersaulted into a mound of sand. They rappelled along a bungee cord strung up between the headquarters and a lamppost. Snipers in stringy, swamp-monster camouflage suits slunk through the flower beds. An old British warhorse photographer from Vietnam days watched but didn't deign to photograph. We soon realized this was not a normal parade so much as a show for our benefit, or rather for the cameras'.

It was reminiscent of a war game performed by the Afghan Northern Alliance for journalists living among them just north of Kabul in October 2001. The message was the same: We're ready; what's keeping you? In Afghanistan, the neighboring nemesis, Pakistan, was making threats and predicting disaster if the Americans allowed the Northern Alliance to enter Kabul. The Northern Alliance assured the Americans they would keep their army on the outskirts of the capital, but how do you keep refugees who happen to be soldiers from running down the mountain to their liberated homes in the capital? Here, it's Turkey that's threatening turmoil and invasion if the Kurds take Kirkuk. And the official Kurdish line is that they will heed America's demand not to enrage the Turks and will leave the 101st U.S. Airborne to capture and secure their imagined capital.

At least that's what the politicians are saying. But men like Mam Rostam, one of the leaders present at the parade, are saying something else. Boisterous and bearish, Rostam is a military legend known as the Rambo of Kurdistan. He has got 83 bullets and pieces of shrapnel splintered throughout his body. He went into the mountains at the age of 17, and, 36 years later, he's still raring for war to reclaim the homeland where his parents lived and died—Kirkuk.

A FEW DAYS LATER, I took Rostam up on his invitation to visit him at his headquarters and home in Sulaymaniya. The house isn't his, he told me. It belongs to the sister-in-law of Ali Hassan Al Majid, Saddam Hussein's cousin and the former head of the Iraqi military in Kirkuk, who was the most feared man in Kurdistan, responsible for the extermination of 100,000 Kurds in the 1980s. It was Al Majid who, in 1991, during the Kurdish uprising, had dozens of Kurds decapitated and laid down on the road to Kirkuk with their heads propped on their chests as a message to the advancing *peshmerga*. When the Arab owner of

Elizabeth Rubin covered the war in Afghanistan for THE NEW REPUBLIC.

the house was caught importing TNT into Sulaymaniya, he fled the province, and now Rostam, whose wife and children live in Germany, runs his operations out of the place. Since 1991, the owner of the house has sent agents to plant TNT in the garbage bins outside to assassinate him. Rostam has added his own touch to the grounds, planting an enormous palm tree in the front yard that shades a green guard post where his *peshmerga* keep watch for any further mischief-makers. He is still wary of being poisoned or ambushed: Most of the young *peshmerga* at the house are his relatives.

Rostam was in a generous, optimistic mood. He plopped down on a white shag rug and said, "I am cooking you a specialty that only grows here one month of the year." And out came plates of sautéed, unadorned truffles that would have cost hundreds of dollars in a French restaurant. Then came the bottles: Dewar's Scotch and Absolut Vodka, gifts from his admirers. As he opened the Absolut, the doorbell rang—another bottle from an admirer, delivered by his nephew.

"I've been fighting for Kirkuk for thirty-five years," Rostam told me. "And so did my father. Two of my brothers were martyred for Kirkuk. And my younger brother and this nephew who brought in the whiskey grew up in Saddam's prison from 1977 to 1982 because I was a *peshmerga*. Every time an Iraqi soldier was killed, they punished a *peshmerga*'s family." He went on fighting in the mountains until 1996, when he started traveling to Germany to repair his body—a war journal made of flesh, the pages of which he began flipping one by one. "1969, rocket attack," he said, lifting the fringe of hair on his forehead to show the scar. "1968," he rolled down his socks to the scar on his ankle. "1977," a scar buried in his crown. "1978," he rolled up his sleeve to his wrist and elbow scars. "1979," another elbow scar. "1982," the mangled knee, operated on twice. "1984," the neck (I could feel the wad of shrapnel still wedged inside). "1984," another one on the forehead.

In those years, the Kurds fought the Iraqis and the Iranians in obscurity. Until they decided it was time the world knew the Kurdish nation existed. One night, Rostam and a group of *peshmerga* hid by the side of a mountain road, stopped a car full of Italian electrical engineers, and kidnapped them, delivering them to the PUK leaders. Rostam moved them from village to village, and, wherever they arrived, villagers slaughtered a sheep in their honor. He took 16 Russians constructing a dam as hostages. They were all attacked by Iraqi helicopters; two Russians were injured and six *peshmerga* died. That night, he released the Russians to the elders of a village. He took three Germans who were later ransomed by the PUK for \$2 million. The Kurds treated them all more like honored guests than prisoners. Years later, the Germans who had been hostages under Rostam arranged visas for several of his injured men. And, in 1996, when he went to Germany for an operation, one former hostage invited him to his home in Berlin. "We wanted to introduce ourselves to the world so when they went home they'd say, there's a nation by the name of the Kurds."

An image of Saddam Hussein sitting behind his desk flick-

ered on the television, and Rostam broke from his story in anger. "He will be like Slobodan Milosevic, tried for war crimes," he said. "I'd prefer him to be arrested and tortured. And I know how I'd torture him. Psychologically, not physically. I'd turn him into a dustman. He'll wash my shoes and feet. It is very hard for a power like that to descend to such depths." When Rostam was 19, he was arrested by Saddam's men in Kirkuk and stuck in a room so tiny he could neither stand up nor sit down. When he was 27, he watched Saddam moving Kurdish villagers out of their homes, razing all the villages to the ground. He saw hens and cattle with no one to feed them. And he had a severe reaction. "I stopped believing. I stopped praying," and now he can hardly resist cursing his religion, Islam. An image of Israeli soldiers destroying a Palestinian house appears on Al Jazeera television, and he curses, "Fuck the Arabs. The Israelis are the only ones who know how to deal with Arabs."

"My life has been wars, sorrows, killing. The only day I liked was the day I marched freely into Kirkuk," he said. It was March 1991, when he'd come down from the mountains for the uprisings throughout Kurdistan. "It was a red-letter day for us. I went to my home. I had lived in Shorja Square, and I said to the people, 'Where is Shorja?' They said, 'This is it.' But all I saw were wide roads and no houses, and the people said, 'They razed the Kurdish houses under the pretext of making new roads.'" His red-letter days lasted only 72 hours before he received news that Iraqi troops were massing to take back the city, and he fled to a village where he captured 180 Iraqi officers and soldiers. "They had been prisoners of war, and they told us that the Americans released them and gave them back their weapons and uniforms to fight the rebellious Kurds."

He watched as Iraqi helicopters bombed the Kurds while U.S. and British planes flew by. "It was the father of Bush who did that treason," he recalled. The first President Bush had encouraged the Kurdish and Shia uprisings when he gave his tacit blessing to the Iraqi people to take matters into their own hands. As many as 20,000 Kurds and Turkmen perished in Saddam's counterattack. Hundreds were killed while fleeing on the road to Turkey, scorched to death by phosphorous bombs dropped from Saddam's helicopters. As the Kurds fled toward the borders, Iraqi helicopters dumped flour on them so they'd think it was chemical weapons. It succeeded. Panic ensued. Two million Kurds fled, mostly to the borders with Turkey and Iran.

Does Rostam trust the United States now? "Not very much, but more than in the past," he said. "Last year, an American journalist who also works for the CIA or the Pentagon came here, and I took him to the front lines, and he promised me, 'The Americans will be good with the Kurds this time.'" When he heard these words, a young English teacher from Halabja, who had been glowing with admiration for Rostam, expressed his misgivings: "Hmm. History repeats itself it seems."

Rostam smiled and poured more vodka. "America betrayed us three times because of its interests. The English betrayed

us and divided Kurdistan into four parts because of its interests," in the 1920s creation of the modern Middle East. "When you ask the British who is your permanent friend, they say, interests are our permanent friends." For now, he's gambling that U.S. and Kurdish interests have converged.

On the chance that they do not converge, however, the leadership of the Kurdish resistance inside Kirkuk isn't taking any chances. It's said that many of the Kurds in Kirkuk—who make up 50 percent of the city's population—are preparing for an uprising. They are armed. The two rival Kurdish parties are already vying for political dominance among the population. I've met almost as many Kurdish Democratic Party men as PUK men who are plotting to move south to Kirkuk as soon as America's bombs begin dropping. Inside Kirkuk, Saddam's Kurdish militia are plotting their side-switching. One commander told me that he has a former *peshmerga* now in the Iraqi army who wanted to desert. "I told him to stay. When we come to Kirkuk, we'll need him."

Last week, the startling news out of Kirkuk was that Iraqi troops were drowning the trenches around the city with crude oil and planting strings of linked mines. This week, however, the news is more encouraging: Messages fly in through couriers and spies to the Kurdish political leaders, commanders, local *peshmerga*, and taxi drivers from Iraqi officers saying, "We will not fight; we will surrender with the first American attack." One Kurdish leader has a white piece of paper with the names of Iraqi commanders listed in blue script who have foretold their surrender. "We know of two units that will surrender. That is 60,000 troops," said one Kurdish leader. Said another, "We have links with senior members who don't trust Saddam anymore. Their salaries are very poor. They all have to work as taxi drivers. We have daily talks with them. They have no supplies. They've lost all courage."

The Iraqis seem concerned. At the first Kurdish checkpoint along the road from Kirkuk into Chamchamal, nervous taxi drivers told us a new curfew had been imposed on Tuesday morning across the Kurdish areas of Kirkuk. Iraqi soldiers are searching houses for weapons and men for identity cards. The city is like a garrison of soldiers, he said. He was obviously desperate to get away from the cement block post and the ubiquitous ears of Iraqi agents. A few days ago, he said, a driver was seen speaking to journalists at the checkpoint here, and, when he drove back into Kirkuk, he was beaten severely. "People are especially afraid America will not finish its business completely, like 1991, when Saddam made many arrests," he said and sped off.

THE KURDISH POLITICAL leadership has grown savvy. Despite the betrayals, they want to forge good ties with the West, touting democracy and promising to keep their men out of Kirkuk. "America has protected us from Saddam for twelve years. Our democracy and existence are on account of Britain and America and the no-fly zone, and we'll never forget it," Kosrat Rasul, an old *peshmerga* commander and now leader of the PUK's political bureau, told me when we met at his home in

Sulaymaniya. Rasul was the first *peshmerga* to enter Kirkuk during the 1991 liberation of the city, but he was severely injured; his eight- and nine-year-old sons were killed by Saddam's bombs.

But, while the politicians plot their political futures, Mam Rostam, who is too blunt to play politician, is waking up at three and four every morning to track his men and gear up for what may be the Kurds' only frontline battle in the upcoming Iraqi war, to stamp out Ansar Al Islam, a group of more than 500 Kurdish Islamists allegedly backed by dozens of Arab-Afghans who slipped in with the help of Iran, and, some say, Al Qaeda. They've been waging a low-level, mortar-lobbing war against the PUK, killing some 300 *peshmerga* since September 2001. One early morning, I drove out with Rostam through a landscape of rich, green pastureland spiced with yellow flowers toward the Zagros Mountains along the border with Iran. At every checkpoint and small town, men greeted him with enthusiastic smiles or invitations. "I'm like the dollar bill," he says. "Everyone knows me." Weaving madly through a chaotic market, he gesticulated at a turbaned young man with a Kalashnikov and a long Taliban-like beard: "It's like Afghanistan here!" Then he shouted out the window at a man wheeling his cart carelessly across the dirt road, "Donkey! Organize your market."

We climbed up to a grass and stone hilltop bunker overlooking the ruins of what was a Kurdish village before Saddam's 1988 chemical attack, where Rostam's former *peshmerga*, now under another command, were manning a Russian machine gun. The day before Ansar had gone on a mortaring spree and wounded two *peshmerga* and two civilians. From another position, the PUK were firing mortars at Ansar positions over a few small peaks. Given the standards of modern warfare, it was a fairly primitive arrangement—no tanks, no helicopters, no planes—and I could see why the PUK has been unable to rout the extremists. The commander, one of Rostam's old *peshmerga*, said the Arab-Afghans were busy training more men. "If we have airplanes or helicopters, it'll be easier for us to get them," he said. And he may soon get his wish. Rumor has it that the Americans have dropped off massive supplies of ammunition at an airstrip near here and that the prologue to the war against Saddam will begin here, at Halabja, against Ansar Al Islam.

Cradled in the foothills of the Zagros Mountains, Halabja was a pastoral resort and picnic town. That was before Saddam poisoned the people with chemical weapons that many, sadly, associate with the West and the United States. "After all, the U.S. gave the chemicals to Saddam," one old man said. "It was beautiful," said Rostam. "It was known as the city of poets." After Saddam destroyed it, the Islamists stifled its spirit again—no cinema, no music, no theater. Today, with Ansar Al Islam kicked out, the theater is alive and poets are reading again, but the din of mortars is driving everyone a little mad. We stopped in for lunch at the parents of a young English teacher named Yerevan. Fifteen years ago this Saturday, Yerevan's mother, Bahar, was hiding with her husband and children in a cave in the nearby mountains. The morning

after the chemical attack, she recalled that people arrived from the village blind, raving, laughing, mad, and poisoned. A month later, Bahar went back to find her father. He'd gone back to Halabja to get milk for his baby daughter. She found him in the garden of his house, dead, flat on in his stomach, still covering his mouth with his hands. Forty-five other relatives of Bahar were also killed by the chemicals—"that smelled like onions and apples," said Yerevan, who was eight at the time.

Bahar said she has watched in confusion and anger at the Europeans demonstrating against a war to topple Saddam. "They know nothing of the oppression of Saddam," she said. "If they had suffered from it, they could never march in the streets against it." The trees in Bahar's father's garden all died from the chemicals. She buried her father and set about starting life over again, planting new trees. On a quiet street, behind stone walls and a metal gate, in her father's garden, the cherry blossoms on Bahar's young tree are in bloom. ■

We're all sodomists now.

Unnatural Law

BY ANDREW SULLIVAN

IN SEPTEMBER 1998, two men named John Lawrence and Tyron Garner were having sex in Lawrence's home in Houston, Texas. Without warning, police broke into the house and found the two engaged in what Texas law calls sodomy. (The police had been summoned by a neighbor who had complained about a man allegedly "going crazy" in Lawrence's house.) Lawrence and Garner were arrested, held for 24 hours, and ultimately fined \$200 after pleading no contest to the charge of sexual deviation. The two men later challenged the constitutionality of their conviction in the Texas Court of Appeals and in the Texas Criminal Court of Appeals, claiming it violated their rights to privacy and to equal protection of the laws. Neither Court agreed. Last December, the U.S. Supreme Court decided to hear the case. Most observers predict that the Court will strike down the law, though there's disagreement about the grounds on which the Court might make its decision and how far-reaching it will be. Oral arguments are due March 26.

The legal and constitutional arguments around this case are complicated and fascinating. But, in some ways, they are secondary. The most obvious questions surrounding *Lawrence v. Texas* are simple ones: What is actually wrong with sodomy? Why is it immoral? And why is it still illegal in 13 states and in many countries around the world?

These are basic questions our culture has avoided. For a long time, the immorality of sodomy was regarded as so self-evident it didn't bear examination. Then, in the newly tolerant world of the last few decades, the issue simply disappeared. For those who disapproved of homosexual sex, or of non-procreative forms of sex between heterosexuals, the subject was so distasteful it was passed over in silence. Since the laws had rarely been enforced against heterosexuals, there was no sense of urgency about their repeal. Even gay rights advocates tended to avoid the subject: Homosexuality, these advocates

argued, was not about sodomy as such. It was about love and friendship and relationships and family.

From a gay rights standpoint, you can see the benefits of this strategy. Reducing love, friendship, passion, and companionship—the critical elements of most gay relationships—to a simple physical act is simplistic. We'd never talk about heterosexual marriage primarily in terms of vaginal intercourse or merely sexual needs; it would slight the depth and variety of the heterosexual relationship. Nevertheless, it remains a simple fact that a large amount of the opposition to gay equality (especially among heterosexual men) comes from a visceral association of gay relationships with male sodomy. And, indeed, from the beginnings of our cultural discomfort with homosexuality, almost the entire legacy of stigmatization has focused on one thing only: the illicit, vile, unmentionable "crime against nature," which the law has long designated as the definition of homosexuality itself. In some ways, then, a new focus on sodomy is welcome. It offers us an opportunity to come to grips not only with the real nature of homosexuality but also with the real nature of those who wish to retain and even advance its stigmatization. And it provides an occasion not simply to defend negatively the right to private, consensual sodomy, but to defend positively its morality as well.

THE MORALITY OF sodomy, of course, is inextricable from its etymology. In the Book of Genesis, Sodom is a city uniquely condemned by God for its waywardness. Its sins merit utter destruction. But what are those sins? Alas, the text is not specific. Most modern scholars believe the original sin of Sodom was a refusal to be accommodating to travelers. Others believe it might have been the sin of rape. The Book of Ezekiel explains that Sodom and "her daughters had pride, overabundance of bread, abundance, and leisure, but they did not extend their hand to the

poor. They were raised up and committed abominations before me." Even in the New Testament, Sodom is condemned in terms of its connection with "uncleanness" and "adultery." When the Book of Leviticus condemns men who lie with men, no reference is made to Sodom itself.

So how did the ironclad connection between gay male sex and the divine destruction of Sodom get made? Emory University theologian Mark Jordan's book *The Invention of Sodomy in Christian Theology* (written while he was a tenured professor at Notre Dame) is the deepest recent exploration of the issue. From the beginning, Jordan argues, non-scriptural sources associated Sodom with a variety of sins: pride, disobedience, inhospitality, and sexual license. It was Augustine who in the fourth century went further, linking the place to *stupra in masculos* (debaucheries in men) and *flagitia contra naturam* (violations against nature). But, even in Augustine, the sexual sins of Sodom were not exclusively to do with same-sex sex. They were to do with sexual license, abandon, and what became known in Latin terminology as *luxuria*, the sin of worldly excess, incorporating gluttony and drunkenness and general self-indulgence.

It's worth noting, then, that from the very beginning sodomy and homosexuality were two categorically separate things. The correct definition of sodomy—then and now—is simply non-procreative sex, whether practiced by heterosexuals or homosexuals. It includes oral sex, masturbation, mutual masturbation, contraceptive sex, coitus interruptus, and anal sex—any sex in which semen does not find its way into a uterus.

So it's perhaps unsurprising that Jordan's research doesn't discover the actual nouns "sodomy" and "sodomite" until the eleventh century. The first and most influential polemic against it was the hermit monk Peter Damian's *Book of Gomorrah*. Given the period's expansive definition of sodomy (it did, after all, include masturbation), it's not surprising that Damian believed it was rife. But his particular fixation—which has persisted in religious teachings ever since—is with same-sex male sodomy. This is partly because Damian is most concerned with sodomy as a clerical vice, the ubiquity of which among priests he thought threatened the integrity of the Church. But what's fascinating about Damian is his struggle to understand the nature of the sodomite. He had no understanding of homosexuality, which even the Church now describes as an "innate" facet of human personhood. And so he keeps bumping up against the apparent ineradicability of the vice. All sins, after all, are redeemable in the eyes of God. But this sin seems immune to change. So Damian lays almost no emphasis in redeeming sodomites but, rather, focuses on purging them. This is where the analogy to Sodom comes in and why Damian seems so intent on connecting this vice to the ancient city. Because sodomites seem consumed by their desires and unable or preternaturally unwilling to change, the only possible response to them is damnation. Indeed, Damian favors the death penalty for such behavior, in line with Leviticus. The logic seems to be that, since these people cannot change, they must be destroyed, just as Sodom was destroyed, and that destruction is a vital reaffirmation of the divine order.

This linkage soon became an accepted part of Christian doctrine with regard to sodomy. And the consequences couldn't be starker. In Jordan's words, "Peter Damian's central address to the Sodomite is in fact and rather clearly an exhortation to someone to step forward for execution." Like Jews, whose persistence brought into question the universal claims of Christianity, so sodomites, in their dogged resistance to change, appeared as a living rebuke to the universal demands of creation. So, gradually, what might otherwise have been seen as one troubling subcategory in the sins of sexual excess, one variation on the broader theme of *luxuria*, gathered steam as a sin so great and so horrifying that it couldn't even be spoken of. To get an idea of how out of proportion the detestation of sodomy became, Jordan assessed the various confessional manuals of the very early Middle Ages. These were books designed to guide confessors in the hearing of penitents. One popular text, written by Paul of Hungary, gave instructions on how to judge and absolve every sin known to man—from pride to sloth to envy. But the subcategory of sodomy (dealt with under the rubric of *luxuria*) amounted to 40 percent of the entire text! It took up more space than anger, sloth, envy, pride, and gluttony combined.

The root of all this is the medieval notion that it is a rebellion against God for semen to be ejaculated outside a womb. This idea sprang in part from medical notions that sperm itself contained all the ingredients necessary for human life. The conflation of sperm with embryos—making masturbation indistinguishable from abortion—rested also on the notion that women were merely defective males, whose bodies contributed nothing to new life but a temporary harbor. Indeed, in many medieval texts, the definition of sodomy also included procreative sex in which the woman is on top of the man, violating the "natural" supremacy of men.

Thomas Aquinas, the most influential of medieval theologians and whose work is still the basis of "natural law" theology, took the depravity of sodomy even further in his thirteenth-century masterpiece *Summa Contra Gentiles*: "After the sin of homicide whereby a human nature already in existence is destroyed, this type of sin appears to take next place, for by it the generation of human nature is precluded." Second only to murder! This is partly because sperm was believed to be embryonic but also because "in sins against nature, in which the very order of nature is violated, an injury is done to God himself, the orderer of nature." While Aristotle, 16 centuries earlier, had viewed erotic acts between men as sins of natural human disorder as opposed to the subhuman practices of cannibalism or bestiality, Aquinas conflated all of them.

These, then, were just some of the early Western arguments about sodomy. And, though many of them have been shown to be based on bad science (e.g., the equation of sperm with embryos), others have endured. Some of this is not surprising. The argument that sodomy is unnatural, for example, carries intuitive weight. After all, if sex is functionally or ideally for procreation, sex with no possibility for procreation is always going to be teleologically problematic. But the weight of the hostility to it, the way in which it is singled out for intense

hostility, the manner in which even mentioning it is regarded as dangerous, and the fact that it seems largely beyond the capacity of God to forgive—all these elements are not so easily explained. The notion that 40 percent of a Christian confessional treatise should be devoted to an issue that Jesus fails to mention once in the Gospels should strike the objective reader as odd. Ditto the comparison of non-procreative sex to murder. Part of it may come from simple heterosexual incomprehension at the idea of same-sex attraction. Part perhaps from a particular concern among priests and monks about sodomy's popularity within their own ranks. Part also from some kind of visceral heterosexual-male aversion to same-sex sodomy. But, whatever the reasons, the foundations were set for the modern world's recourse to criminal law to back up this theological aversion, a recourse that is reverberating even today.

IN 1533, SODOMY became a formal crime in England for the first time, as Henry VIII incorporated what had previously been exclusively ecclesiastical legalities into civil law. The early American colonies absorbed this legal precedent to varying degrees, with Massachusetts, for example, adopting a law against man “sleeping with mankind” as early as 1641. In most cases, the early colonies' laws made no distinction between same-sex sodomy and sodomy between a woman and a man, and the usual punishment was death, although it doesn't appear to have been implemented very often. In fact, from the beginning, there was a huge discrepancy between the rhetoric behind such laws and the willingness to enforce them—perhaps an indication of how extreme the phobia had become and how unrelated to reality it was. Sodomy laws in the United States remained virtually unchanged until the early part of the last century, when they were expanded in almost all cases to include oral sex. Most recognized no marital exclusion from prosecution; and, in most cases, no right to privacy trumped legal culpability. By the mid-twentieth century, almost all state sodomy statutes added cunnilingus to their understanding of “crimes against nature”; Oregon and Maryland were able to outlaw mutual masturbation under the same rubric of “perverted practices.” A few states even experimented with the forced sterilization or institutionalization of sodomites.

But, as attitudes toward sexuality gradually liberalized in the latter part of the century, the legitimacy of sodomy laws waned, as did their enforcement. In 1971, four years after Britain famously legalized private, adult consensual sodomy, 47 states still retained their long-standing sodomy laws. But, three decades later, only 13 states (plus Puerto Rico and the military) retain them. This liberalization was by no means steady: The biggest reality check came in 1986 with the now-famous *Bowers v. Hardwick* case. A gay couple had been arrested in a private home for consensual sodomy; many observers predicted the Supreme Court would rule such arrests unconstitutional. After all, the Court had previously ruled in *Griswold v. Connecticut* that married couples had a right to use contraception—i.e., practice non-procreative sex, a.k.a. “sodomy”—in their own homes. It had also recognized a right to privacy in the choice of

a woman to have an abortion. But, when it came to the right to homosexual non-procreative sex in private, the Court drew a distinction. Chief Justice Warren Burger's concurrence to the decision expressed the reasoning behind the ruling:

Decisions of individuals relating to homosexual conduct have been subject to state intervention throughout the history of Western civilization. Condemnation of those practices is firmly rooted in Judeo-Christian moral and ethical standards. Homosexual sodomy was a capital crime under Roman law. . . . [Eighteenth-century English legal scholar Sir William] Blackstone described the ‘infamous crime against nature’ as an offense of ‘deeper malignity’ than rape, a heinous act, ‘the very mention of which is a disgrace to human nature’ and ‘a crime not fit to be named.’ . . . To hold that the act of homosexual sodomy is somehow protected as a fundamental right would be to cast aside millennia of moral teaching.

Burger dismissed any notion of homosexual orientation as a part of human nature and derided any comparison to private heterosexual conduct as absurd. “Are those with an ‘orientation’ towards rape to be let off merely because they allege that the act of rape is ‘irresistible’ to them?” Burger wrote in a letter to Justice Lewis Powell during the *Hardwick* deliberations. “Are we to excuse every ‘Jack the Ripper?’” (Burger's correspondence was unearthed and published by Joyce Murdoch and Deb Price in their indispensable book, *Courting Justice: Gay Men and Lesbians v. the Supreme Court*.) Justice Byron White, who wrote the decision, regarded the whole idea of a homosexual right to privacy as “facetious.” He treated the case not as a matter of sodomy as such but of homosexuality, refusing to say whether heterosexual sodomy was equally without protection under Georgia's law. When Professor Laurence Tribe, representing the plaintiffs, talked of the sanctity of a person's home being invaded by cops policing homosexual activity, Powell was offended. “I must say that when Professor Tribe refers to the ‘sanctity of the home,’ I find his argument repellent,” Powell spoke into his Dictaphone as the case was proceeding. “‘Home’ is one of the most beautiful words in the English language. It usually connotes family, husband and wife, and children—although, of course, single persons, widows and widowers, and others also have genuine homes.” But homosexuals? Inconceivable to Powell. Such was the legacy of the sodomy laws and the culture and view of human nature they represented. The fact that Georgia's law was rarely if ever enforced against heterosexuals raised no red flags in the majority of the Court's minds.

Indeed, it was precisely the greater sexual liberalism of the day that ironically led the idea of sodomy to be radically narrowed in scope—and applied solely to homosexual sex. Worried that prohibiting sodomy as such might intrude upon the privacy of large majorities of their heterosexual citizens, and that enforcing such laws exclusively on homosexuals might lead to equal protection challenges, some states—starting with Kansas in 1969—amended their sodomy laws to explicitly apply only to homosexuals. Perhaps the most spectacular

example took place in Texas. In 1973, Texas legalized heterosexual anal and oral sodomy, along with bestiality, but simultaneously fashioned a new criminal law directed solely at gays. The law was specifically defended as late as the 1990s by then-Governor George W. Bush. Three other states—Kansas, Missouri, and Oklahoma—have such discriminatory laws as well. Their constitutionality will be what is at issue in this spring's Supreme Court ruling.

BUT CONSTITUTIONALITY, HISTORY, and even religious tradition still don't answer the more fundamental question: Why exactly is sodomy immoral? There is little doubt that Jewish and Christian scriptures prohibit such sexual practices. But they also prohibit divorce, which is now legal across the Western world. And the same medieval religious tradition that fixated on sodomy was also riddled with anti-Semitism and opposition to usury. If the last two prohibitions have been abandoned as mere prejudice, why not the first? The relevant question when we are addressing the maintenance of secular laws or social disapproval of sodomy is therefore not: Has it always been so? But rather: Why is it so?

The fundamental answer is that it is "unnatural": It violates the purpose of human sexuality, which is designed to foster procreation. At some level, that argument surely makes sense. There is something unique and miraculous about the connection between male-female sex and the creation of new life. Its connection to a marital structure in which that new life can be nurtured, protected, and elevated is also one that is obviously vital to defend. Catholic thinkers have developed the most elaborate modern doctrine on this subject. That doctrine affirms something life-giving and important: the nexus between sex, marriage, and family. As a symbol of what sexuality can be about, indeed what it *is* ultimately about, this linkage makes moral and theological sense. It also makes social sense. The data that children are better adjusted when they grow up in stable, nurturing, traditional homes is overwhelming. It makes all the sense in the world for a society to find a way to celebrate and protect this arrangement for, if nothing else, the benefit of the next generation.

The trouble comes when this vision of what sex *can* be about becomes an instruction about what sex *can't* be about. To say that sexual activity reaches its heights within a procreative marital act is not the same thing as saying that all other variants of sexuality are immoral, let alone worthy of divine damnation along the lines of Sodom. Even within perfect, Catholic, procreative marriages, after all, non-procreative sexual activity is inevitable. For some periods within a woman's menstrual cycle, sex cannot be procreative. Throughout pregnancy, sex cannot be procreative. After menopause, sex cannot be procreative. Moreover, unless people are married as children, there will always be a period of adolescence in which sexual capacity will far outstrip any ability to restrict it to procreation alone. These are simply facts. Human sexuality can indeed be channeled. But the standard that it must only ever be directed to procreation is

simply one that almost no human being can ever fully live up to. In fact, the whole concept of an exclusively procreative sexuality, however beautiful in theory, is simply meaningless in practice. It does not exist. It has never existed. It cannot exist. Sodomy, in its broad, original sense, is inextricable from being a sexual human.

Indeed, one could make the case that sodomy is biologically hardwired. Even in the course of an ideal-type procreative marriage, untold populations of sperm will be "wasted," along with any number of eggs ready to be fertilized. The amount of sperm a male produces cannot even remotely be exclusively directed toward reproduction. Those who argue that sodomy is immoral therefore have to acknowledge that nature itself has built in non-procreative sexual production of sperm and eggs to a ridiculous degree. There's an obvious reason for this: By making human males produce so much sperm, much of it superfluous, nature maximizes the odds of some of it leading to new life. If this seems paradoxical, try this thought experiment. Imagine a parallel universe in which a human male has, say, one ejaculation per year. Suddenly the prohibition against sodomy makes far more sense. Such a precious and rare opportunity to procreate should surely not be wasted. But then look how far that universe is from our actual one. The average adolescent male, at the peak of his sexual drive, might ejaculate several times a day. If you are drawing logical inferences from nature itself, which is in part the basis of natural law, it seems to me that nature is far more accepting of sodomy than the religious and moral authorities would ever have us believe.

Moreover, to treat human sexuality as entirely instrumental to the production of children surely demeans it. A marital sexual act, engaged in for reasons of passion, love, commitment, or mutual comfort, is not rendered meaningless or immoral if it doesn't happen to produce another human being at the end of it. To say otherwise is to reduce human beings to reproductive animals and the meaning of their sexuality to a purely functional dimension. The body, after all, is a complex thing. To speak of any part of it as having a single and exclusive purpose, in the manner of Aquinas, is to reduce the complexity of human experience to the relative simplicity of an animal. Is an eye being used immorally if you use it not see but to wink? Or a mouth somehow deployed immorally if we use it not to eat or drink or breathe but to smile?

AWARE OF THE crudeness of the Aquinas position, today's natural law theorists, in a new twist, have dropped his insistence on procreation as the sole criterion by which sexual interaction can be morally judged. They now argue not from what appears to be in nature, as understood by contemporary or even medieval science, but what they posit as the "natural good" of marriage. The point of sexual activity, they now assert, is not just procreation but the unitive experience of marriage itself—the permanent bodily fusion of two human beings of the opposite sex. The actual desires or sexual orientations of human beings are not morally relevant. Sex is about the natural good

of marriage, and all human beings must adhere to that natural good or disavow sex altogether.

So sex is no longer about reproduction and nothing else. It's about marriage and nothing else. "The union of the reproductive organs of husband and wife really unites them biologically," Catholic theologian John Finnis argues. They become maritally, biologically one, and, if they put any barriers between them in their sexual acts—condoms, for example—they are violating that biological unity and destroying their marriage. Moreover, because marriage changes the very identity of a person, non-procreative sex leads to what these theologians call the human being's moral "disintegration."

Notice how this new form of natural law, while trying to avoid reducing human beings to mere reproduction factories, nevertheless ends up exactly where we began. Even in a marriage, let alone outside of it, oral or anal or contraceptive or mutually masturbatory sex is still immoral. Whereas, in earlier natural law, marriage seemed to be a regrettable but necessary way to restrain the evil of sexual desire, the new natural law places marriage front and center and sees procreative sex as the critical and positive practice that makes marriage real.

This new doctrine is further amended in an amicus brief filed by two eminent Catholic thinkers in the upcoming *Lawrence v. Texas* case. In Texas, defenders of criminalizing same-sex sodomy face what might seem an insurmountable obstacle. They have long claimed that sodomy is wrong, whoever practices it—heterosexuals or homosexuals. But the Texas law only polices sodomy when practiced by homosexuals. Amazingly, the Catholic authors of the brief, Robert P. George and Gerard Bradley, find a way to justify this: "The critical difference upon which the legal distinction rests is not the raw physical behavior but the relationships: same-sex deviate acts can never occur within marriage, during an engagement to marry or within any relationship that could ever lead to marriage. Physically similar sexual acts between married persons are constitutionally protected. Physically similar acts between unmarried persons of different sexes occur within relationships which Texas may wish to encourage, either as valuable in themselves, or because they could mature into marriages, or both."

So sodomy is not only now legally tolerable within heterosexual marriage, it is even tolerable *outside* marriage, as long as the practitioners are heterosexual and can therefore be regarded as *engaging in a relationship—even if only a one-night stand—that could conceivably one day lead toward marriage*. George and Bradley even go so far as to say that such non-marital, sodomitic relationships between heterosexuals could even be deemed by civil authorities as "valuable in themselves." This defense of premarital sex from some of the most orthodox Catholics on the planet! George and Bradley then provide an additional practical reason for enforcing sodomy statutes against gays but not against straights: "Texas could reasonably conclude that criminal prosecution is too blunt a tool with which to distinguish along the spectrum of opposite-sex relationships, all potentially marital and many

verging on or preparing for the strictly marital. Not wishing to intrude upon, damage, and perhaps destroy valued and incipiently marital relationships, Texas could reasonably decide to leave all these opposite-sex relationships undisturbed by the criminal law."

In other words, criminalizing sodomy as such, without taking into consideration the relationship in which such sodomy takes place, or how such sodomy could one day lead to marriage, is too crude a legal framework. It would also be impossible to enforce. Imagine a police force required to make sure that every act of heterosexual cunnilingus is monitored and criminalized. It's simply impractical. But, because there are far fewer homosexuals and they are more identifiable, the law can be used to punish them and them alone. And, because their relationships can never be marital and therefore are of no social use, there's no social cost incurred when cops "intrude upon, damage, and perhaps destroy" such relationships.

The same reasoning occurs within the new natural law theology as well. Here again, sodomy is officially forbidden, but, when you look more closely, you see that it is only effectively forbidden to gays. What if, for example, a marriage cannot naturally or biologically conform to the demands of non-sodomitic sex? What if a spouse is infertile or postmenopausal? You might think these would sadly remain outside the possibility of marriage as the good defined by the new theologians, alongside homosexuality. But no. In these cases, non-procreative sex acts are still okay as long as they conform to what George calls "the reproductive type (whether or not . . . they are intended to be, or even can be, reproductive in effect)." In other words, as long as the couple is *mimicking* procreative sex, they're okay. Even if they have no intention of being procreative, it's okay. Even if they know their act is not procreative, it's morally fine. Non-procreative sex is now permissible in a whole variety of circumstances, *as long as you're heterosexual*. The Church's modern doctrines—in a curious echo of Texas's exclusively anti-gay sodomy law—are designed not to ban sodomy from human sexuality but to ban homosexuals from sexual dignity.

What the George-Bradley brief shows is how the principled stand against all sodomy—however implausible—has now essentially been abandoned as a basis for law in modern society, even by its most fervent defenders. What's left is merely hostility toward homosexuals. Logically, of course, heterosexual sodomy should be *more* stigmatized than homosexual sodomy. A man and a woman, after all, have a choice to procreate or not to procreate; two women or two men do not. If you're trying to frame the law to encourage procreation, why only apply it to those who cannot procreate at all while removing such an incentive for the only group for whom such an incentive makes sense? Just as the intense prohibition on sodomy seems to have emerged in part from a medieval fear and incomprehension of homosexuals, so it has ended up centuries later in exactly the same place: as a means not of upholding a universal morality but of maintaining a stigma against a single class of persons.

AS A SIMPLE empirical matter, we are all sodomites now, but only homosexuals bear the burden of the legal and social stigma. Some studies have found that some 90 to 95 percent of heterosexual couples engage in oral sex in their relationships, similar numbers use contraception, and a smaller but still significant number practice anal sex. We don't talk about this much because we respect the privacy of intimacy. The morality of sex in today's West is rightly one in which few public moral judgments are made about any sexual experiences that are private, adult, and consensual. Within these parameters, non-procreative sex is simply the norm.

But to say they're the norm is perhaps too defensive. The norm is also, many have come to understand, a social, personal, and moral good. It is hard to see why, for example, sexual pleasure, fantasy, and escape are somehow inimical to human flourishing—and there's plenty of evidence that their permanent or too-rigid suppression does actual psychological and spiritual harm. Relationships that include sexual adventure and passion and experimentation are not relationships of "disintegrated" people but relationships in which trust is the prerequisite for relief, release, and renewal. The meaning of these sexual experiences is as varied as the people in them. And there are many contexts in which to understand these sexual experiences other than as purely procreative.

You can think of sex—within marriage and in other relationships—as a form of bonding; as a way to deepen and expand the meaning of intimacy; as a type of language even, where human beings can communicate subtly, beautifully, passionately, without words. And, in a world where our consumer needs are exquisitely matched by markets, in which bourgeois comfort can almost anesthetize a sense of human risk and adventure, sex remains one of the few realms left where we can explore our deepest longings, where we can travel to destinations whose meaning and dimensions we cannot fully know. It liberates and exhilarates in ways few other experiences still can. Yes, taking this to extremes can be destructive. And yes, if this experience trumps or overwhelms other concerns—the vows of marriage, the trust of a faithful relationship, the duty we bear to children—then it can be a social harm. But the idea that expressing this human freedom is somehow intrinsically and always immoral, that it somehow destroys the soul, is an idea whose validity is simply denied in countless lives and loves.

But, if many of us—gay and straight alike—have absorbed this new sexual consensus, we still deny it in our legal and social treatment of homosexual sex. The convolutions that legal authorities now have to go through to justify this discrepancy are getting more and more elaborate and less and less convincing. At some point, the unfairness of this must surely impinge itself on our collective consciousness. The maintenance of sodomy laws is but one bookend in this anachronistic structure; the other is marriage itself. One reason there is such fierce resistance to the repeal of sodomy laws is that the supporters of such laws fear that, once those laws are removed, there will be essentially no legally relevant

difference between heterosexual marriages and homosexual relationships. The two issues might be legally separate—as we can see by the many states that have no sodomy laws and yet retain exclusively heterosexual marriage laws. But, logically, this discrepancy makes less and less sense. Both gay and straight relationships in our culture are now primarily sodomitic in their sexual practices. Both adhere to the general principles of equality, adulthood, privacy, and consent that have become our de facto social norms for adult relationships. Within both straight and gay relationships, there is a wide spectrum of conformity to monogamy, child-rearing, social responsibility, and even gender roles. As the years go by and as legally protected same-sex relationships mature as a social institution, the differences that remain are slowly diminishing.

Yes, there are psychological and social distinctions between these types of relationships. Lesbian relationships—which make up the majority of same-sex civil unions in the only state where such unions are legal, Vermont—tend to be more monogamous than many heterosexual relationships, and they tend to house more children than gay-male relationships. Gay-male relationships tend to be less monogamous than their lesbian and heterosexual counterparts. Heterosexual relationships, for their part, also span the gamut—from traditional, lifelong monogamy to serial marriages and multiple divorces to discreet philandering on the parts of many. There are even explicitly open marriages or, in some ethnic subcultures, hyper-traditional arranged ones. In our multicultural world, the differences between an arranged marriage between immigrants in a Maryland suburb and a baby-boomer third marriage in Tribeca are easily as great as those between gay and straight couples. Ditto the differences between a yuppie power couple with no children and apartments in multiple cities and a home-schooling family of ten in the Rocky Mountains. Such diversity doesn't lead us to make legal distinctions between the validity of the marriages involved. In fact, the extraordinary diversity of the content of marriages makes us even more concerned to provide some overarching and unifying social and legal uniformity. And, once you have removed the criterion of sodomy as the distinctive difference between gays and straights, and between marriage and non-marriage, you can see how arbitrary both sodomy laws and laws forbidding gay marriage actually are.

We live in a world, of course, where the past obviously matters. The tortured history of the persecution of homosexuals, structured around a deep and often hysterical aversion to sodomy, looms over us still. But history isn't destiny. And unreason isn't a good basis for law. Perhaps this year will finally see the U.S. Supreme Court assess not the power of inherited fear but the illogic of inherited discrimination. Perhaps it will find a way, as it has with other marginalized peoples in the past, to liberate a whole class of persons not merely from the stain of a dark and painful persecution but into the possibility of a more humane future: to give human desire meaning, gay love structure, and sex for all of us the freedom and dignity it has so long been denied. ■

BOOKS & THE ARTS

STANLEY KAUFFMANN ON FILMS Mortal Coils

FOR LONG YEARS IN ITS SHORT history, film has been concerned with mental imbalance. From *The Cabinet of Doctor Caligari* (1920) through *Secrets of a Soul* (1926) it would be easy to trace a line to the present, in many countries, of films about psychosis. Possibly the early union of films and imbalance happened because the camera can mimic what is taken to be the interior of a psychotic's mind, can see as he is believed to see. Authentic or not, the canted image affects viewers who are less interested in clinical data than frisson. In *Caligari*—not the first such film, only the first memorable instance—the director didn't even rely completely on the camera: the scenery itself is askew.

One of the strengths of **SPIDER** is that it does nothing of the kind. We see a mentally ill man. We see his blurry attempts to deal with the reality around him. We do go into his memory, through flashbacks, and those memories eventually meld with the present, but through most of the film, this man, Dennis Cleg, is simply there before us, pawing away at each new day.

The place is London. Cleg has spent some years in an asylum and is now considered sufficiently recovered to live in a halfway house. When we first see him, as he gets off a train and consults a note telling him where to go, we wonder why he was judged fit for release (a feeling that recurs about the men he goes to live with). We can only infer that the hospital judged him relative to the patients it retained.

But that opening sequence on the station platform, rendered almost silently in gray and black, informs us that Cleg's story is here not for exploitation but for exploration. The director, David Cronenberg, has made a reputation with sophisticated horror films, such as *Dead Ringers*, in which Jeremy Irons played twin doctors who

shared gruesome experiences, and *Crash*, which toyed with the sexual thrills in auto accidents; but here Cronenberg makes his past films (as far as I know them) seem the road he had to travel in order to reach the simplicity of *Spider*. With his skilled cinematographer, Peter Suschitzky, he makes this film a bare study in lesser light. Even on sunlit days, the colors are reticent.

This visual sense, fixed yet within itself varied, is matched by Ralph Fiennes's performance as Cleg. Quiet, moving cautiously like an animal in a strange environment, nibbling off bits of experience and taking

them away to digest, recording them neatly in a gibberish alphabet in a secret notebook, Cleg soon becomes a person, not a role—a person created by an actor who is in his service.

In Patrick McGrath's screenplay, adapted from his

own novel, the halfway house in which Cleg is set down turns out to be very near where he grew up—in the scruffy East End. Cleg's condition, which persists through the film, makes us wonder why he is like this and why he is being shown to us. The scenes from his working-class boyhood, with his doting mother (who dubbed him Spider) and his gruff father (who has a penchant for the local pub's staff of tarts), address the mystery. The film's structural risk is in the fact that Cleg's character doesn't change in any conventional way: it is deepened by what we learn about him in the flashback scenes, some of which are his fantasy.

The finish clarifies, partly because Cleg's mother and one of the tarts are both played by the same actress, Miranda Richardson. Though Richardson paints both roles a touch heavily, this duality is part of the texture of the piece. Gabriel Byrne, the father, is getting more credible as he ages; apparently he has given up on trying to be a sex star and is concentrating on performance. John Neville, the dizzyingly

experienced English actor whose career began in 1947, is appealingly plummy as one of Cleg's housemates.

But all of the film, even Cronenberg's directing, depends on Fiennes's performance. His film career has veered widely between froth and solidity, but he has never been inadequate even when his work was futile, as in *Onegin*. (Futility was heightened the one time I saw him on stage. He did a Hamlet in New York in 1995 that was burdened with a wretched company and director but still showed his aptness for the role.) *Spider* is not a pulse-quickenning experience, but Fiennes's art makes it engrossing.

Twenty-five or thirty years ago it would have guaranteed that a film was aimed for social-moral inquiry if it began with cunilingus. No such guarantee these days—yet **LAUREL CANYON** actually does in time get to moral issues. The two people thus engaged are young doctors out of Harvard who soon move to the West Coast. He, Sam, has a post there in a mental hospital; she, Alex, will finish her dissertation for an additional doctorate in genome study. Meanwhile, before they find a place of their own, they live with his mother—in Laurel Canyon, a street in the Hollywood Hills that is known for its far-out aura.

The mother, Jane, is a record producer whose studio is in her ample house; so her coterie of music types is also in the house. The difference between the two cultures, Harvard medicine and cutting-edge music life, is amusing enough for starters, but it is only the start. Sam and Alex, apart a good deal of the time and differently surrounded, develop other amorous interests.

The screenplay by Lisa Cholodenko, who also directed, is in the main predictable. The dialogue sparks in the way that the front-line generation's dialogue does, or as they would like it to; still, the picture, for all its attempted effervescence, seems to slog along. Largely this is because the plot developments for Sam and Alex are so tidily symmetrical. Three elements, however, keep us engaged.

First, Sam's other interest is played by Natascha McElhone, and her beauty enriches the film. In a medium that feeds on beauty continuously, it is unusual to see a face so striking that it makes most other attractive women seem to be mere con-

tenders. I can't remember any face since Sophia Loren's that was so uniquely captivating. McElhone, who was last in *Solaris*, plays an Israeli physician who works with Sam in his hospital and becomes involved with him. In performance, she is certainly adequate; but it is her face that keeps surprising us every time she returns.

Frances McDormand plays the record-producing mother with the nativity that talent makes possible. I began watching McDormand when she was an acting student at Yale and have been watching her ever since. Her film career began in 1984 with a stock Southern slattern in *Blood Simple* and then coursed through twenty-six films, including her phlegmatically funny

pregnant sheriff in *Fargo*. In *Laurel Canyon* she creates a character who is vigorously competent at a nerve's-end job, who swings and boffs and takes drugs as part of the woman she is, and who is enjoying the life that she has knowingly chosen.

Then there is the moral area, undiscussed but implicit. The film moves Sam and Alex into an area—certainly not a monopoly of the entertainment world—where promises and commitments ripple like images moving from real mirrors to distorting ones. This is hardly a new phenomenon in human history, but the flaunted anti-squareness of these times—anti-squareness even at considerable cost—can make principles seem ruefully out of reach. ■

financial condition—and so forth.

In the elegant companion production, **TWELFTH NIGHT**, everyone seems on firmer ground. Beale's Malvolio is a passable impersonation of a snooty, self-loving English butler; Emily Watson is a touching Viola; the estimable David Bradley delivers a deliciously goofy Sir Andrew; Paul Jesson as an eructating Sir Toby gives raucous significance to that character's last name; and Anthony O'Donnell brings strong musical gifts to the part of Feste.

This pair of productions is obviously an effort to make the classics "accessible" and "natural." But in *Vanya* Mendes has achieved this theoretically laudable goal at the cost of Chekhov's dark and muscular lyricism. Like so many other British directors of Chekhov, Mendes colonizes *Uncle Vanya* as thoroughly as Cecil Rhodes colonized South Africa and Zimbabwe, converting a Russian tragic-comedy into an English comedy of manners. The British may have lost their empire, but they still like to Anglicize other cultures—with the connivance of Yankee critics who have not yet thrown off the colonial yoke.

ROBERT BRUSTEIN ON THEATER Creations

THEATER IS A SERIES OF CREATIONS, but so are the reputations of theater artists—and making those reputations has traditionally been the charge of theater critics. Consider the case of Simon Russell Beale, recently anointed as England's greatest living actor. Beale's reputation was wholly created by *The New York Times*'s Ben Brantley. Having now seen the actor in five major roles, all but one directed by Sam Mendes, I am puzzled by his exalted place in the theatrical pantheon. Beale is a technically proficient actor with the emotional range of, say, Peter Ustinov, whom he somewhat resembles. Like Ustinov's, his comic talents are considerable, but even at a time when the English stage has grown so impoverished, does Beale really deserve the crown of England's greatest living actor? Are his measurements ample enough to fit the Marlovian cape of Anthony Sher? Can his Hamlet seriously be compared to Ralph Fiennes's? Who has the greater heart for challenging the heavens in *King Lear*, Beale or (my own choice for England's greatest living actor)

Michael Gambon? Beale would have been perfectly at home playing Oswald in *King Lear*—he is brilliant at scornful parts—just as he would have been better situated as Osric than as Hamlet. Never, to my mind, has an actor been so consistently miscast in so many major roles.

Beale is miscast again as the title character in Sam Mendes's **UNCLE VANYA** (Brooklyn Academy of Music), playing the part with all the depth of a Kensington Court couturier blowing fits over his window display. He whines, he snivels, he raises his eyes to the heavens—he could be mourning the loss of a cuff link rather than the loss of his ancestral estate. Beale's performance would have been more suitable in a play by Alan Ayckbourne, which seems to be exactly what Brian Friel, who wrote this

adaptation, was trying to accomplish. His breezy "improvements" tend to bury Chekhov's comic melancholy under a shower of interpolated witticisms. (Vanya: "What's that word?" Sonya: "Stirrup." Vanya: "Looks like strumpet.") Elena seems to be played not by an actress but by a very large hat; Sonya is so intimate as to be inaudible; Astrov is a dapper, balding Lothario too vain to hate his moustache; Waffles is more preoccupied with his guitar than with his

I used to think that Richard Greenberg's reputation ("the American playwright of the decade") had been wholly created by Donald Lyons and Frank Rich. Certainly, watching such over-praised gay comedies as *Eastern Standard* and *The Dazzle* made me feel that I was not just marching to a different drummer but dancing to a different tambourine. After seeing **TAKE ME OUT**, however, I must blushing concede that there is more to this writer than I realized. His new play (a transfer from the Public Theater to the Walter Kerr) is both amusing and engrossing, and also pretty cheeky in the way it satirizes aggressive racial and sexual identities, including—and here Greenberg resembles Paul Rudnick—his own gay world.

As its waggish title suggests, *Take Me Out* is about a homosexual baseball star trying to function in a relentlessly heterosexual sport. The half-black, half-white home-run king Darren Lemming (Daniel Sunjata) has publicly admitted that he is gay—right after signing one of the most lucrative contracts in baseball history. This inevitably triggers a number of conflicting reactions in his teammates, from sympathy to alarm to downright hostility. One of the hostiles is an inarticulate redneck pitcher named Shane Mungitt, scarifyingly performed by Frederick Weller as a chinless wonder with an even more shrunken brain. Shane, a founding unsure whether he hails from Tennessee or Arkansas or Mississippi, proceeds in a television interview not only to insult his

UNCLE VANYA
TWELFTH NIGHT
(Brooklyn Academy
of Music)

TAKE ME OUT
(Walter Kerr Theater)

OUR LADY OF
121ST STREET
(Union Square Theater)

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black and Latino teammates but to fulminate about having to take a shower every night with a "faggot."

That onstage locker-room shower, complete with hot and cold running water, is featured not once but twice in this production, and the audience gets plenty of opportunity to compare a large variety of wet male members ranging from modest to mammoth. (Scouts from Vivid Videos will no doubt be stampeding the box office for weeks to come.) When a player drops a bar of soap, the tension in the steamy air is palpable. The lofty Darren, on the other hand, seems to have no sexual interest in his teammates, or anyone else for that matter, until he meets a wispy financial adviser named Mason Marzac, who worships both his god-like client and the game he represents. In his growing appreciation for baseball, Mason functions as the author's philosophical surrogate, calling it "the perfect metaphor for hope in a democratic society," because in recognizing that someone has to lose, it restores our tragic sense of life.

Mason is not only blessed with a Tocquevillian intelligence, he is performed with a heroic sense of brave and lonely despair by an actor named Denis O'Hare. O'Hare knows as well as anyone on stage today how to increase the pith of a juicy phrase with an offhand gesture or a self-deprecating look. Indeed, the entire cast, under Joe Mantello's smart, nuanced, and empathetic direction, is exemplary. But Mason is the one character who manages to show consistent intelligence, apart from the self-abnegating if overly loquacious narrator Kippy Sunderstrom (Neal Huff) and Darren's best friend Davey Battle (Kevin Carroll), a black evangelist from a rival team. (Greenberg draws a lot of easy laughs out of the low intellectual wattage of the average ballplayer.)

But Davey is too zealous about his religious purity, and Kippy too bemused about his dimwitted teammates—and too disdainful of "people of pallor" (including himself)—to take center stage, though he has a nice moment translating the anguished utterances of a Japanese pitcher despite not knowing a word of the language. Mason, on the other hand, deserves a play to himself—the sissy always chosen last for the Little League team, who spends the game picking at grass in the outfield while secretly worshipping the more muscular kids.

Greenberg's impeccable ear and wry sense of character make *Take Me Out* continuously engaging until the end of the play, which concludes with an unconvincing series of plot turns. The racist Shane overhears Darren, infuriated by Davey's mor-

alism, tell his friend to "drop dead," so—claiming, "You told me to"—he beans Davey with a pitch that kills him. Such implausibility shakes one's confidence in Greenberg's control over his play, though he recovers after a strong scene in Shane's prison cell, where the pitcher, spewing hatred, is dragged out yelling, "I just want to throw." In the final moments, Mason returns in a baseball uniform to receive Darren's World Series ring along with promises of a future relationship. Looking nostalgically around the empty field like a major leaguer ready to decamp for Florida, he asks the classic post-season question: "What will we do till spring?"

In *Take Me Out*, America's national sport is viewed through gay binoculars by a playwright devoted both to extolling baseball and to subverting its conventional notions of masculinity. It is not a great play, but it is a hugely entertaining one, and it is receiving a production that renews one's faith in American ensemble acting.

So, by the way, does another powerful play in a potent production, **OUR LADY OF 121ST STREET** by Stephen Adly Guirgis. None of the people associated with this venture is familiar to me, with the exception of the director, Philip Seymour Hoffman, whom I know primarily as a fine actor. But the group of players, directors, designers, and producers that calls itself the LAByrnth Theater Company is already the equal of the best existing small urban theaters—Steppenwolf, say, or the Atlantic Theater Company. The difference is that LAByrnth is composed of a splendid array of Latino, black, gay, and white actors, which makes it perhaps the first major multicultural permanent ensemble in the United States.

As for the playwright, I am tempted to use the same kind of hyperbole I have been criticizing. Guirgis has the potential to become one of our most powerful writers for the stage, providing he's not tapped first for *NYPD Blue* or *Law and Order*. Of Irish-Egyptian descent, he has an uncanny ear for the rhythms and idioms of all kinds of urban and ethnic speech. And while he credits John Patrick Shanley as an influence, he has the same gift for obscene poetry as David Mamet, as well as a similar approach to form (the staccato two-character scene structure of *Our Lady* seems to me influenced by Mamet's *Glengarry Glen Ross*). More importantly, in his capacity to paint a large canvas of underclass life, Guirgis displays some of the emotional range and Catholicism-soaked vision that O'Neill had in *The Iceman Cometh*. These are admittedly

big models with which to compare a fledgling playwright, but Guirgis obviously has large ambitions, and he seems positioned to fulfill them.

Our Lady gradually, subtly, inexorably investigates the consequences of a world without faith. The scene is the waiting room of a funeral parlor in lower Harlem, an institutional set designed by Narelle Sessions that somehow reminds one of Harry Hope's saloon in *The Iceman Cometh*. A number of mourners have come to pay their respects to Sister Rose, a teaching nun who, despite her alcoholism, had a powerful spiritual impact on her students. But in the first scene we learn that her corpse has been stolen, along with the trousers of one of the mourners.

The search for this body takes on something of the quest for the Holy Grail (the corpse, or at least half of it, eventually turns up in the East River). Until it is found, the various characters, forced to examine the painful gap between their early hopes and what they have settled for, must come to terms with their own limitations. These characters include, among others, a building superintendent devoted to his brain-damaged brother, a black woman whose philandering former husband has wrecked their marriage, a cokehead Latina eaten up with rage and paranoia, an overtly gay white actor and his covertly gay black lover, and a black detective who mourns his failure to prevent his little boy from being raped and murdered.

These characters are all somehow connected through degrees of separation. But the nexus of the play is two confessional scenes in which Rooftop (Ron Cephas Jones), a black talk-show host from Los Angeles, eventually connects with Father Lux (Mark Hammer), a legless priest frightened by black people ("I don't particularly like them"). While Rooftop is busy getting high in the confessional booth, the priest, impatient that this amiable hipster is confusing a "confessional" with a "conversational," tries to get rid of him. Rooftop's relationship to the Catholic faith is marginal at best—"It's not like you've got the most alluring marketing campaign going on these days either," he observes. But the moment when a repentant Father Lux leads Rooftop through a silent Lord's Prayer proves the most resonant scene in the play, and the most redemptive. Did I mention that *Our Lady of 121st Street* is very funny as well as very moving? There is no better medicine for an ailing theater, or better tonic for a dispirited audience, than a potent new talent engaged in an act of genuine artistic creation. ■

JED PERL ON ART

Looking for Leonardo

LEONARDO DA VINCI IS A BAF-
fling figure. His art is popular
but enigmatic, obvious but ob-
scure. And the union of such
contradictory qualities in the
mind and the hand of this most singular cre-
ator makes for biographical and historical
conundrums that also, and almost simulta-
neously, provoke fundamental questions
about the very nature of art. Vasari, writing
the life of Leonardo a few decades after
the artist's death in 1519 at the age of sixty-
seven, had already observed that the mas-
ter's legendary inability to
finish major projects sug-
gested how difficult it was to
reconcile realization with
conception, the actual with
the ideal. In the few paint-
ings that he managed to com-
plete, of which not many
more than a dozen still exist,
Leonardo brings a heart-stopping clarity to
mysterious matters—a woman's fleeting
smile, the Madonna gently embracing her
child, the cool atmosphere of a distant land-
scape. If all artists are risk-takers, Leonardo
is the risk-taker's risk-taker. What he pro-
duces can seem, far more than the work of
any other artist who ever lived, a matter
of divine brinkmanship.

Everywhere they turn, visitors to **LEO-
NARDO DA VINCI: MASTER DRAFTSMAN**,
which is at the Metropolitan Museum of
Art until March 30, feel Leonardo's variety
and intensity, his intimacy of touch and his
grandeur of effect, his bewildering reach
and his penetrating depth. We approach
Leonardo in a different frame of mind than
the Italians of the Renaissance who hurried
to see his works even before they were fin-
ished, but I suspect that the appeal that
Leonardo has held for artists and scholars
and the public for five hundred years has al-
ways had something to do with the extent
to which he combines unfettered ambition
with a willingness to entertain the possibil-
ity of catastrophic failure. While Carmen
C. Bambach, the curator at the Metropoli-
tan who organized this grand event, is eager
to emphasize the opportunities to clarify
questions of authenticity and technique
that are presented by the gathering togeth-
er of some one hundred Leonardo drawings,

there is also a wild extravagance about the
show, an extravagance that begins in the
overflowing opulence of the man's imagina-
tion and somehow becomes a condition
that affects every aspect of his art and his
reputation, down to matters as mundane as
the 786-page heft of the catalogue and the
rush-hour conditions that museumgoers
are enduring inside the exhibition.

What we are seeing at the Metropolitan
is a fraction of Leonardo's surviving draw-
ings, which number in the thousands, far
more than we have from the hand of any
other Renaissance master. And these drawings,
the product of a visual volubility
without parallel in the history
of art, contain all sorts of dia-
grams and notations that we
do not generally think to
describe as works of art. In
1959, when Kenneth Clark

produced a revised version of his brief yet
magnificent study of Leonardo, first pub-
lished in 1939, he worried that he had been
overly optimistic in imagining that he could
discuss Leonardo's art without really explor-
ing his thought, and the truth is that even
Leonardo's finest interpreters will always be
humbled by the effort to unite the extreme-
ly variegated aspects of his achievement. We
can see why this intensely lyrical painter was
such an acute observer of water and weath-
er and the gliding movements of birds. It is
far more difficult to explain how a supreme
lyricist might be the father of automation, a
student of warfare, an exacting researcher in
anatomy and geology, a master of geometry.

And the mysteries do not end there. For
we have to wonder how this intent obser-
ver of all things that are hidden and nearly
hidden could have also, through singular
works such as the ruined *Last Supper* and the
lost *Battle of Anghiari*, developed a vision of
mural painting as a grandly scaled, immedi-
ately legible public avowal that shaped the
vision of the High Renaissance. Compared
to Leonardo, the notoriously tormented
Michelangelo was an artist whose achieve-
ment, from his most personal drawings to
his most public productions, is all of a piece.
Leonardo is both a hell-bent empiricist and
a hell-bent dreamer. The only constant may
be the man's superhuman avidity.

LEONARDO IS INEXHAUSTIBLE.
He is also exhausting. At the Met-
ropolitan's show, the museum-
goer is seduced so many times in
so many ways that it can feel as if you are
under bombardment. The sheets of paper,
often not more than a few inches in any di-
rection, pull you close, but you are pulled so
close to so many things that you may final-
ly feel pulled apart. The exhibition is dis-
quieting. There is so much. There is almost
too much. To look at some of the studies
for paintings of the Madonna and Child
that Leonardo did around 1480, full of what
Walter Pater referred to as "the abstract
grace of the bounding lines," or at a draw-
ing of a stand of trees from around 1500,
with sunshine sifting through the soft
screen of foliage, is to feel the lightest of
touches—and yet that lightness is related
to a desire for steely control. Leonardo's
quietly intimate images suggest only one of
the many moods that you encounter in the
imaginative life of this monster of self-
absorption. His studies of rearing horses,
of men plunging into battle, and of the
faces of the old and the misshapen can
have a shocking, nightmarish virulence. He
is always in overdrive. Even his quietest
moments have an edge of anxiety.

Everywhere you look in this exhibition
you find a personality that is at once touch-
ingly frank and also standoffish, megalom-
aniacal. You feel Leonardo's omnivorous-
ness in the range of his graphic effects,
going from delicate to savage; and in the
obsessiveness with which he will insistent-
ly redo his contours, making subtle distinc-
tions, seeking to finally define a form; and
in the single sheets that join numerous,
sometimes only tangentially related or un-
related images. Going through the show,
you will certainly note stylistic develop-
ments. The early work has an easiness that
we associate with fifteenth-century Flo-
rence, and some of the later studies, with
their heavier lines, seem to carry us nearly
into the Baroque. Still, there is a diabolical
inquisitiveness about Leonardo that pre-
vents his art from ever quite slipping into
the grandly legible arc of what we think of
as a career. In the last of the drawings that
we see at the Metropolitan—a sheet of
drawings of cats, some studies for an eque-
strian monument, a masquerader in the cos-
tume of a beggar—he remains as various, as
curious, as he was in middle age. There may
be inklings of lateness in the grainy sim-
plicity of some of the lines, but this artist's
mind seems to pull away from definitive
conclusions. There is none of the sense that
we have in the late Titian or Michelangelo

**LEONARDO DA VINCI:
MASTER DRAFTSMAN**
(Metropolitan
Museum of Art)

or Rembrandt of an artist who wants finally to say that this is what I am. Leonardo is still exulting in the frenzy of his kaleidoscopic vision—turning, always turning. In the end this infinitely subtle genius remains what he always was, the kid fiendishly dreaming up new toys.

What I take away from the Leonardo show is not so much a strong impression of individual drawings as an overall impression of constant, unquenchable animation. From the earlier studies of the Madonna and Child to later studies of soldiers rushing to their deaths, there is an encyclopedic exploration of all the ways in which men and women can move, whether through the actualities of the world or through the intricacies of their imaginations. No artist can better Leonardo when it comes to the articulation of particulars, to the rendering of faces and hands; and no artist can even approach him when it comes to knitting together all these particulars into a fullness of movement. The expressive muscular intricacy of Leonardo's hand, which gives his line some of the qualities of performance that we associate with a great musician's use of the possibilities of the piano or the violin, anthropomorphizes his interpretations of storm clouds and rocky vistas. And there is also an aliveness that Leonardo nearly always imparts to the sheet of paper as a whole, often by mingling on one sheet variations on a single theme, or, sometimes, wildly diverse elements—a figure, a bit of machinery, a mathematical equation. While it is not unusual for the Old Masters to produce sheets that unite various separate studies, I think that Leonardo takes the sense of the page as a site of streaming variety to expressive heights unheard of before or since. When he presents variations on the same composition, as in a sheet of studies for a Nativity or Adoration that is in the Metropolitan's collection, there is a kind of musicality to the arrangement, as if a tune were played in different keys, or on different instruments, or with different orchestrations.

Bambach and a team of scholars have brought to the Metropolitan exhibition and its catalogue the reasoned pace of art-historical research. They have framed the generous selection of Leonardo's own drawings with a prologue and an epilogue that set his singular achievement within

the broader historical context. In the beginning of the exhibition we see a selection of works by Verrocchio, in whose studio Leonardo worked as a young man, and at the end there is a variety of works by artists who were students or followers of Leonardo, and who often busied themselves with versions of what are now lost originals by the master. In this exhibition the questions of attribution that are not always as nicely resolved as the historians would want them to be are dealt with in a politic manner, and an effort is made to place the artist in the true context of his time, although the nature of that context is itself a

see as his equivocations and ambiguities and doubts might to his contemporaries have seemed more like plain failure, a job not well done. To the art historian who says that our pleasure in the weedy, almost chaotic overlay of lines in several studies of Leda and the swan reflects a modern love of the rough or the unfinished that has nothing to do with Leonardo, another historian will reply that Leonardo's drawings were widely collected in his own day, and the first historian will perhaps come back with the thought that the Renaissance connoisseur would have in fact regretted those overlapping lines and preferred a more finished drawing, of a type that Leonardo and Michelangelo did indeed prepare for close friends. Essentially, the question is whether what Leonardo and his contemporaries regarded as craft, as virtuosity, as inspiration, can be reconciled with the more modern belief that all these aspects of the artistic process are intermingled in a sort of romantic vocation.

I DO NOT THINK THAT MODERN museumgoers are entirely mistaken when they find that Leonardo defines the mysteries of art so completely as to be almost the epitome of Art. We may finally never know what the illuminators of the Middle Ages were feeling as they let their imaginations run wild in the ornamental borders of their Books of Hours, but I do believe that the sense of the artist as a heroically imaginative figure, which attracts contemporary museumgoers to Leonardo's coursing achievement, is an idea that was very much alive in Leonardo's time. That idea certainly suffuses Vasari's studies of him and of his younger contemporaries, Raphael and Michelangelo, published a generation after Leonardo's death. Of course there are fashions in artistic inspiration as in everything else. And if Raphael, with his unequivocal, almost streamlined heroic vision, was the supreme artistic figure for art lovers several hundred years ago, Leonardo is surely the High Renaissance master with whom we connect most easily today, because there is something stealthy, equivocal, quicksilver, about his sense of the heroism of art.

It is highly significant, I think, that the ancient world, which the Renaissance took as a model of heroic behavior in art as in so many other things, held far less fascina-



LEONARDO DA VINCI, *Designs for a Nativity or Adoration of the Christ Child*, ca. 1485

matter of controversy. The very heft of the catalogue can be interpreted as an effort to keep Leonardo in his place, to lock him firmly into the Renaissance context. But who can doubt that the crowds of people who are streaming into the Metropolitan are on the mark in their conviction that this man belongs to us?

When we think about Leonardo, we inevitably find ourselves grappling with the vexed question of a singular individual's relationship with his historical moment. Many scholars tell us that we understand much less about Leonardo than we imagine that we do; that he came of age in a world where art was not what we think of as art but something closer to craft; that what we

tion for Leonardo than it did for Raphael or Michelangelo. To be sure, Leonardo was not indifferent to antiquity. This show includes a previously unknown drawing for a statue of Hercules, a recent acquisition by the Metropolitan, that sheds light on Leonardo's plans for a major work on the subject of the Greek hero. But there was something in the Renaissance reverence for antiquity as a fixed value, as an ideal place outside time, that apparently never quite accorded with Leonardo's fascination with the immediate and the enigmatic, the shifting and the elusive. For Leonardo, the heroic, in art as in thought, was not something to be presented on a pedestal. Leonardo's heroism is related to his investigative spirit, to his engagement with the natural world. And we moderns or post-moderns—or whatever we like to imagine that we are—are especially attracted to his urge to pull beauty out of the flux of things.

If mutability was at the core of Leonardo's vision, who can doubt that it is at least in part because he lived through a period of especially rapid artistic change? Born in 1452, he came of age in Florence when the arts still had one foot in the Middle Ages, and when he died, it was as a guest of the king of France, in a château not far from Paris, the city where modern art would finally be born. Pater, in an essay on Leonardo that may be inaccurate in every detail but is true in every way that matters, suggests that Leonardo's scientific and mechanical interests and voracious curiosity and rejection of artistic specialization, all of which are frequently associated with the temperament of the modern genius, are also lodged deep in the studio practice of Verrocchio, in whose workshop painting was only a small part of what was produced and where there was an abiding "love of beautiful toys." Leonardo had a hunger for elegant trinkets and gadgets of all kinds that recalls the opulent courtly tastes of the late Middle Ages, and in his efforts to satisfy that hunger he found himself digging ever deeper into what we now think of as his expansive, disinterested, exceedingly modern spirit of investigation.

Some observers have offered psychological explanations for Leonardo's inability to finish things and for his endless tinkering. But surely Leonardo's restlessness also reflects an extraordinarily great man's response to the pressures of history. That so much in Leonardo's work is unfinished is not merely his problem; it is a problem that he takes upon himself as he contemplates the unfinished work of the Middle Ages and of the Renaissance, and the just-beginning

work of modern Europe. The thousands of pages full of drawings and writings that Leonardo carried with him to France and left to his student Francesco Melzi suggest a mad, impossible history of everything.

VALÉRY, WHO WROTE ABOUT Leonardo on several occasions, said that he had a genius for discovering the relationship "between things whose laws of continuity escape us." Why Leonardo believed that he could discover those continuities and how he managed to do so are questions that have exercised many formidable minds, including those of Goethe, Pater, Valéry, and Freud. And it seems that each attempt to explain Leonardo, no matter how dazzling, has provoked a critique that turns into yet another attempt to explain him, and so we go on and on. Freud's little book *Leonardo da Vinci and a Memory of His Childhood*, which appeared in 1910, was demolished in almost every detail by Meyer Schapiro in an essay that was published in 1956. And then, having buried Freud's argument, Schapiro proceeded to re-affirm Freud's fundamental assertion that there was some "psychological content" in Leonardo's figures, which Schapiro now sought to locate in the "process of giving to the traditional closed group of child and parents an articulation of contrasts which could render the spontaneity and conflicting impulses of the individuals while retaining the family attachment."

Today, some may reject Schapiro's mix of psychological insight and formal analysis, just as an earlier generation rejected Pater's Leonardo as a fin-de-siècle hallucination. Interpretations come and go, and there is something in the enigmatic intensity of Leonardo's art that still demands to be explained. The most exacting attempt in recent years to do so is surely Leo Steinberg's *Leonardo's Incessant Last Supper*. Some scholars believe that Steinberg's celebration of multiplying ambiguities and interpretations is inconsistent with a late-fifteenth-century yearning for clarity, but then the excitement of Steinberg's book is in its quality of being a house of interpretive mirrors, a Borgesian play of scholarship that finally acknowledges and overtakes its critics by admitting that no interpretation is final.

Visitors to the Leonardo exhibition at the Metropolitan are probably going to leave the show with as many questions as they had when they arrived, which only serves to remind us that there is a certain variety of satisfaction that we are wrong to expect from this artist who refused all finalities. Even in his most finished draw-

ings and paintings, Leonardo always seems to be pushing for ever greater delicacy, striving to give even more of a floating-away quality to his contours and his edges. And Leonardo's hunger for the ineffable will always keep us at the beginning of our explorations. I was disappointed to find that some of his most famous and exalted graphic achievements were not included in the Metropolitan show. Among the sheets that have not come to New York are the drawing of an elegant, bearded man that is thought to be a self-portrait, the great sheet on which a curly-haired youth and a bald old man face off, and the landscape of the Arno Valley that Leonardo did when he was scarcely in his twenties. And yet there is little point in complaining about what is missing when there is so much more than anybody can possibly take in.

At the Metropolitan, museumgoers encounter a whole gallery of Leonardo's beautiful women and handsome men, and many of his studies of the freakishly ugly as well. You can appreciate his eye for the life of animals and for the life that is buried in the forms of inanimate objects, too. You revel in his elegance and his vehemence. When you look at his tiniest, most delicately flick-

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Hill Man, 88 x 71 inches
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ering effects, he can seem to be the king of the aesthetes, a man who risks being immobilized by the refinements of aestheticism, and he was perhaps seen this way in his own day. Leonardo is also the ringmaster in a cabinet of curiosities of his own invention, the artist who has something for everybody, who can keep those who are bored by beauty excited with his gift for the grotesque, and who can take in hand the museumgoer who is more of a gadget lover

or an amateur mechanic than an art lover, and keep such a visitor happy, too.

When you go to this stirring exhibition you find all kinds of things, some that you expected to see, some that you will regard as discoveries, and yet when you leave you are still looking for Leonardo. This wonder-worker will always be lost somewhere in the crowd of his own creations. My guess is that this is exactly where he wanted to be. ■

Christine Stansell Mean Streets

STORIES OF FREEDOM IN
BLACK NEW YORK
By Shane White
(Harvard University Press,
260 pp., \$27.95)

IN THE SHADOW OF SLAVERY:
AFRICAN AMERICANS IN
NEW YORK CITY, 1626–1863
By Leslie M. Harris
(University of Chicago Press,
380 pp., \$42)

NOT SO LONG AGO, THE history of New York in the nineteenth century was the province of sensationalizing journalists. For years, professional historians did little to supplant old potboilers such as Herbert Asbury's *Gangs of New York*, weirdly exhumed this year by Martin Scorsese. Graduate students were warned away. New York was too big, too weird, too complicated (and too Jewish?) to fit into approved models of the urban "case" provided by the tidier cities of Boston and Philadelphia, where WASP elites dominated and it was possible to imagine the Irish as the sole placeholders for ethnicity. Few wanted to muck about in New York's polyglot mix. There were important exceptions, such as Moses Rischin and Irving Howe, but their dense and delectable books about the Lower East Side elicited more public interest than academic respect.

It was not until the late 1970s, in fact, that students looking for dissertation topics

ventured into the New York City archives with any frequency. The books that they eventually wrote—some of them monographs, others crossovers for general readers—broke through the disinterest of the earlier generations of scholars. New York was undoubtedly atypical, they frankly acknowledged. But it was the great American exception, more properly compared to Paris or London than to Boston or Philadelphia. And this was all the more reason to study it.

In American history as it is taught today, three decades of scholarship, culminating in Edwin Burroughs and Michael Wallace's grand synthesis in *Gotham*, have pushed New York to center stage. Aside from Scorsese's historically preposterous film, which turns the ragtag Victorian gangs into warriors out of a biblical epic of the 1950s, sensationalism has given way to nuanced historical work that takes on the city's peculiar combinations of hauteur and hustling, snobbery and democracy, preening and poverty. The interpretations are rich, and the research is ambitious and near archaeological in the delicacy and the assiduity given to excavating the sources. There are marvelous books on the 1800s—books about artists and intellectuals; writers and actors; politicians, criminals, and prostitutes; the Jews, the Irish, and the Chinese; workers and women. There are studies of real estate, museums, crowds, high society, vaudeville, the opera.

Except for a few monographs, though, there is almost nothing on African Americans. African Americanists have looked elsewhere: the tininess of the free black community in the antebellum period—16,358 people at its peak in 1840, about 5 percent of the population, shrinking to 1 percent in 1860—made it seem like an ancillary phe-

nomenon, both to the city and to the system in which millions of black Americans lived in bondage. So the historians' narrative of black New York has only begun full throttle with the Great Migration from the South, when thousands of black people packed into Harlem. From this vantage point in time, New York seems a haven for African American freedom, however compromised it was by Northern racism. The city was far from emancipated, but it still wasn't Dixie.

Still, it turns out that New York in 1800 was a slave city no less than Charleston. The largest slave city outside the South, its ties to the slave system and the Southern states remained strong in the nineteenth century. Even after emancipation, "the shadow of slavery" lay long across New York's African American residents. In finance and trade, its mercantile and financial elites were heavily dependent on Southern cotton; and Manhattan merchants, bankers, and retailers made sure that the city was a hospitable place to visiting planters, their commercial agents, and their slave catchers.

This made New York the most dangerous place in the North for fugitive slaves, since someone from home might recognize them on the streets. Slave catchers not only apprehended runaways; they aggressively kidnapped free people, trumping up evidence that they were fugitives. Fights, melees, and scuffles between slave catchers and their victims often broke out on the streets. Unlike Boston, where anti-slavery sentiment made it hard for slave catchers to operate, the police and the courts in New York helped them. Merchants cautioned that any other attitude toward the representatives of Southern "property" interests would "embarrass trade."

SHANE WHITE'S AND LESLIE M. Harris's books are the products of American historians' developing abilities to see such connections between South and North, slave and free. They are the first books to bring a rich knowledge of New York history to a precise and detailed analysis of the free black community. Taken together, these books announce the arrival of a strong interpretation: New York City was full of slaves; slavery was central to the metropolitan economy of the eighteenth and early nineteenth centuries; and slavery unraveled only by degrees, the pace excruciatingly slow. "Slavery died hard," White concludes succinctly—and white recognition of freedom was grudging and partial. A series of emancipation acts beginning in 1785, which Harris carefully analyzes, provided for limited emancipation,

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but only for people born after each bill went into effect; and then freedom was curtailed by twenty years of mandatory servitude.

Slavery effectively ended only in the 1820s, owing to the steely determination of blacks to purchase their freedom, not to the largesse of whites. The free black community in the city soon swelled, augmented by self-emancipated New Yorkers, runaways from the countryside, Southern fugitives, Caribbean migrants, and cosmopolitan sailors who had traveled the North Atlantic. The mix made for dizzying Creole inventions in music, dance, and speech. But the urbane black presence also prompted the first white ventures anywhere in tamping down freedom with racial segregation. By 1826, in a decade of radically broadening suffrage for white men, hedges on black suffrage meant that only sixteen African Americans in the whole of New York County could vote.

As the free community in New York expanded, so did ventures in early Jim Crow. Workers closed ranks against African Americans employed in the skilled trades and on the docks. Thugs roughed up successful storekeepers and entrepreneurs, and from time to time they sacked black churches and went at abolitionist meetings with brickbats and stones. It is a familiar story; but White and Harris take that familiar story and turn it into a New York story, which means that it is a singular history, and finally not familiar at all.

WHITE'S VOLUME IS A TREASURE of historical thinking, a beautifully composed study, an extraordinary book to read. White, an Australian, is an accomplished historian of African American life whose work is too seldom read in the United States. His books are deceptively modest. The last one (co-authored with Graham White), *Stylin': African American Expressive Culture from Its Beginnings to the Zoot Suit*, a study of the history of black fashions in clothing and hair, was small and gorgeous. *Stories of Freedom in Black New York* is short and offbeat, but it is as moving and erudite a meditation as you will find on African Americans at a historical juncture when things might have turned out differently.

White's point of departure is the wave of optimism and hope that surged through the black community on the heels of freedom, conferring an "edgy vitality" on street life, politics, colloquial speech, and theater in the 1820s and 1830s. Newly emancipated blacks created "a vibrant culture, one that not only reflected their new and exhilarat-

ing status as free people, but that also fascinated and not infrequently horrified white onlookers." For all the evolving structures of segregation, there was also a busy and sometimes easygoing traffic along and across the color line. Whites mimicked black speech and flocked to black-dominated pleasure resorts (saloons, dance halls, dives). White journalists fixed on African American urbane dressiness in the newspapers, channeling inadvertent amazement into the racist stereotype of Zip Coon. But with that showy urbanity blacks also ventured into white territory, with full-dress parades celebrating emancipation, elegant diction, and a black theater that put on Shakespeare. Style ricocheted between the races. As White observes, "Whites imitated blacks who were already imitating whites."

WHITE'S REAL LOVE IS FOR the Shakespeareans. In 1821, the newly formed African Theater Company staged its first performance, *Richard III*, on a makeshift stage in someone's house. The audience, heavily black with a sprinkling of whites, was wildly enthusiastic. White dandies and theater reviewers soon trickled in, and the African Company became something of an entertainment institution. Beset by poverty but supported by stalwart fans, the company came and went in various incarnations, and eventually an impresario built them their own theater.

Over the years, offerings included *Tom and Jerry*, a black-authored drama about a Caribbean slave uprising fresh from the London stage, and *Don Juan*, a pirate play, and *Julius Caesar*—each punctuated by dancing and improvised music. The very existence of an ambitious theater troupe provoked white puzzlement: how could despised "Africans" with their meager minds perform Shakespeare? One response was ridicule; another was outright harassment. White toughs in the audience heckled and threw things, and in 1831 they sacked the new building beyond repair. Over the next few weeks, they beat up actors in the streets. "Trouble of some sort or another was never far from black actors," White observes quietly. The African Company was over.

The core of White's account is the story of James Hewlett, the pre-eminent black Shakespearean of his day, who played Richard in the African Company's production. With extraordinary deftness and perseverance, White has put together his biography from faint traces that Hewlett left in the historical record. He seems to have been a country boy who came to the city as a free

man in the 1810s and hung around the theater, working at menial jobs to make ends meet. He was a superb actor, White infers, reading against the grain of mocking reviews that were tinged with grudging praise.

Sometime in the mid-1820s, Hewlett left the African Company to go it alone. He bounced around shabby venues with a one-man act—a novelty at the time—that strung together song and dance, snatches of well-known plays (he played all the characters), arias (he clearly loved New York's Italian opera), imitations of famous actors (white, of course), and, always, his speeches from *Richard III*. The one-man format he copied from a renowned English comedian, Charles Mathews, who played New York on tour, a celebrity with whom he was evidently on friendly terms. But his indebtedness to Mathews would have stung, because Mathews, having seen Hewlett in *Richard III*, parodied the "Niggers Theatre" back in London in a series of one-man skits about his American travels. Playing a black actor, Mathews delivered Hamlet's soliloquy in buffoonish dialect: "To be or not to be, dat is him question, whether him nobler in de mind to suffer or lift up him arms against one sea of hubble bubble and by opossum [oppose 'em] end em." Whereupon he launched into a song about possums up a tree.

A deeply affronted Hewlett, on reading about the send-up, published a prideful rebuttal to Mathews in a New York newspaper. It was an act of consummatechutzpah. "Why these reflections on our color, my dear Matthews [sic], so unworthy your genius and humanity, your justice and generosity?" Rejecting the supplicant's stance—the obvious posture for him to adopt—Hewlett admonished Mathews from on high: "When you were ridiculing the 'chief black tragedian,' and burlesquing the 'real negro melody,' was it my 'mind,' or my 'visage,' which should have made an impression on you?" Recall Othello, he adjured, a most intriguing creation of "our favorite bard." Othello, he reminded Matthews archly, avows, "Haply, for I am black." It was the only public moment given to Hewlett to defend his cultural enterprise, and he did so eloquently.

In the 1830s, the rage for blackface minstrelsy effectively banished a serious black actor from the New York stage. White found Hewlett only once more in the New York records, in a newspaper report in 1834 about his trial for theft. He was charged with stealing valuables from under the nose of a ship captain who had hired him as his trusted steward. It was surely a fall, but the place he landed was not surprising. White points out that confidence games were an

effective if debased use of Hewlett's thespian skills.

Having followed Hewlett pretty closely this far, you brace yourself for the downward spiral from jail—but for a talented black man with linguistic skills and indubitable charisma it was still a big world, and perhaps there was a happy ending after all. Amazingly, White pulls out of his hat the Trinidadian *Port of Spain Gazette*, which in 1839 proudly announced that Mr. Hewlett, “the Proud Representative of Shakespeare's Heroes” . . . is going rapidly a-head” on the island. Hewlett, it seems, was again an indomitable pioneer, this time on the artists' trail of exile that would drain America of black talent for many years to come.

IN THE SHADOW OF SLAVERY is a different kind of book, and its subjects of work, self-organization, class tensions, and politics are more conventional than White's excursion into the history of cultural forms. But Harris's book is also the most thorough and intricate portrait that we have of an assertive and influential Northern black community. From the emancipation act of 1799 until 1850, it was on the upswing. White reveals one enchanting corner of it, while Harris sticks to better-known precincts—churches, anti-slavery politics, mutual aid societies, parades: all institutions and movements that attracted the rough and the respectable, but were primarily the bailiwick of the nascent and fragile black middle class.

Churches and associations are tough subjects to enliven for readers: they tend to sink into the drabness that rectitudinous rhetoric always evokes. But Harris's presentation is in its own way absorbing, because she touches on the valor that the rectitude of small means required. Distinguished black ministers supplemented their salaries with shoemaking, carpentry, or, in one case, serving as a sexton to a white congregation.

Yet Harris's neo-Marxist perspective also makes her critical of the middle class. Their “moral stewardship,” based on bourgeois values, ensured their own political dominance and gained them a hearing from white elites who shared their impulse to rein in the laboring poor. She rues the strivers' inability to see black workers, from whom they were separated by the tiniest of margins, as anything but a disciplinary problem. Still, Harris is scrupulous in showing how much the middle class gave to all of black New York. Middle class leaders, for instance, pushed white reformers to found the very first serious schools for blacks. And these schools, already in the 1820s, were

turning out brilliant graduates who would become national figures of the next generation of abolitionists.

Harris provides a sophisticated account of the tragic counterpoint between the assertive black politics forged by these people and a hardening color line that opposed them. She corrects the common mistake of casting anti-slavery as a white movement by putting black abolitionists at the very center, where they are seldom seen but rightfully belong. In the 1820s, black leaders in New York (along with their counterparts in Boston and Philadelphia) were the first Americans to articulate the demand for slavery's abolition—this in a political context in which enlightened whites held that colonization was the solution: sending “back” to Africa blacks whom slaveowners would, in theory, voluntarily free. Abolition at its inception was black abolition, and the movement linked slavery to the evils of race discrimination in the North. In the early 1830s, African Americans discovered a new base of evangelically inspired moral reformers and made the immediate emancipation of the enslaved into the touchstone for what can properly be called a biracial national movement.

BUT NEW YORK OFFERED PECULIARLY straitened circumstances in which to operate politically. We are accustomed to thinking of the city as a sanctuary for radicals and innovators and social experimenters. In the antebellum years, however, the city's Southernness never allowed the tentative race-mixing and collegiality that occurred in Philadelphia and New England circles. Harris puts an interesting spin on New York's conservatism. She proposes that this exclusion pushed African American activists into intense community organizing in education and economic self-help (the well-funded Colored Orphan Asylum was a centerpiece of the effort), all practical activities that bored white radicals but proved highly effective for black people themselves. African American self-help efforts, such as the funding of Dorcas Societies and Improvement Associations and Sailor's Relief homes, seemed beside the point to even the most open-minded whites.

Harris carefully presents the debate among black leaders about whether a shift in emphasis was fruitful. This was a high-stakes argument among some of the most thoughtful and serious people of their times. As the South grew belligerent, free black people faced the prospect of slavery without end. It was urgent to decide how

best they might serve. Should they set everything aside for the greater cause and ignore white abolitionists' racial prejudices and disinterest in Northern blacks? Or should they focus on what could be done to banish the shadow of slavery among their own? Harris argues that they chose the latter because they had to take up the slack left by white reformers who retreated from practical reform in the North to focus exclusively on the drama of slavery.

This judgment is surely too narrow, since some white abolitionists continued alongside African Americans to conduct campaigns against discrimination and provided financial backing for hard-pressed African American schools. Still, it is true that cross-racial coalitions were virtually non-existent in New York. Although Harris does not say so, it is striking that no black-white partnerships ever emerged from New York's divided worlds, as they did in Rochester (where Frederick Douglass garnered considerable white support), Boston (where Garrison was an intimate of the black community), and Philadelphia (where race mixing was habitual among radicals). The admirable New York Vigilance Committee, organized by blacks to protect runaways and kidnapping victims from the slave catchers, carried on without any discernible white support, while in Philadelphia and New England what we now call the “underground railroad” counted on white and black personnel.

All the cities experienced racial violence in the 1830s when white mobs went after abolitionists and their supporters. Perhaps it was New York's Southernness that made violence there more lethal over the long run. There was a riot in 1834; and in the 1840s the black population began to drop. As the Irish flooded in, black people left. The federal Fugitive Slave Law of 1850, which New York merchants organized to support, drove out more people. By 1860, the black population was down to about 14,000, despite the huge expansion of the city to over 800,000. Then came the Civil War and then, in the summer of 1863, the Draft Riots. For five days working-class whites ran amok, inflamed by anger at the new draft law and fear of the job competition that would supposedly ensue when an imagined horde of freed slaves reached the city. The destruction was massive. Mobs lynched eleven African American New Yorkers, murdered a nine-year-old black child, beat up innumerable black people, and burned the Colored Orphan Asylum to the ground. Rioters near the docks destroyed places that housed a thriving interracial social life—

Arabian Fables (I)

How the Arabs soften up world opinion with fanciful myths.

Josef Goebbels, the infamous propaganda minister of the Nazis, had it right. Just tell people big lies often enough and they will believe them. The Arabs have learned that lesson well. They have swayed world opinion by endlessly repeating myths and lies that have no basis in fact.

What are some of these myths?

The "Palestinians". That is the fundamental myth. The concept of "Palestinians" is one that did not exist until about 1948, when the Arab inhabitants, of what until then was Palestine, wished to differentiate themselves from the Jews. Until then, the Jews were the Palestinians. There was the Palestinian Brigade of Jewish volunteers in the British World War II Army (at a time when the Palestinian Arabs were in Berlin hatching plans with Adolf Hitler for world conquest and how to kill all the Jews); there was the Palestinian Symphony Orchestra (all Jews, of course); there was *The Palestine Post*; and so much more.

The Arabs who now call themselves "Palestinians" do so in order to persuade a misinformed world that they are a distinct nationality and that "Palestine" is their ancestral homeland. But they are no distinct nationality at all. They are the same — in language, custom, and tribal and family ties — as the Arabs of Syria, Jordan, and beyond. There is no more difference between the "Palestinians" and the other Arabs of those countries than there is between, say, the citizens of Minnesota and those of Wisconsin.

What's more, many of the "Palestinians", or their immediate ancestors, came to the area attracted by the prosperity created by the Jews, in what previously had been pretty much of a wasteland.

The nationhood of the "Palestinians" is a myth.

The "West Bank". Again, this is a concept that did not exist until 1948, when the army of the Kingdom of Transjordan, together with five other Arab armies, invaded the Jewish state of Israel, on the very day of its creation.

In what can almost be described as a Biblical miracle, the ragtag Jewish forces defeated the combined Arab might. But Transjordan stayed in possession of Judea and Samaria and the eastern part of

Jerusalem. The Jordanians expelled all the Jews from the area that they occupied, destroyed all Jewish houses of worship, and renamed as "West Bank" the territories that had been Judea and Samaria since time immemorial.

The attempt, quite successful, was to persuade an uninformed world that these territories were ancestral parts of the Jordanian Arab Kingdom (itself a very recent creation of British power diplomacy).

Even after the total rout of the Arabs in the 1967 Six-Day War, in which the Jordanians were driven out of Judea/Samaria and

"The web of lies and myths that the Arab propaganda machine has created plays an important role in the unrelenting quest to destroy the State of Israel. What a shame that the world has accepted most of it!"

of Jerusalem, they and the world continued to call this territory the "West Bank", a geographical and political concept that cannot be found on any except the most recent maps. The concept of the "West Bank" is a myth.

The "Occupied Territories". After the victorious Six-Day War, during which the Israeli army defeated the same cabal of Arabs that had invaded the country in 1948, Israel regained possession of Judea/Samaria, which the Jordanians had illegally occupied for 19 years; of the Gaza Strip, which had been occupied by the Egyptians, but which had never been part of their country; and of the Golan Heights, a plateau the size of Queens, which, though originally part of Palestine, had been assigned to Syria by British-French agreement.

The last sovereign in Judea/Samaria and in Gaza was the British mandatory power — and before it was the Ottoman Empire. All of Palestine, including what is now the Kingdom of Jordan, was, by the Balfour Declaration, destined to be the Jewish National Home. How then could the Israelis possibly be "occupiers" in their own territory? Who would be the sovereign and who the rightful inhabitants?

The concept of "occupied territories" in reference to Judea/Samaria and Gaza is an Arab propaganda myth.

Unable so far to destroy Israel on the battlefield — though they are feverishly preparing for their next assault — the Arabs are now trying to overcome and destroy Israel by their acknowledged "policy of stages". That policy is to get as much land as possible carved out of Israel "by peaceful and diplomatic" means, so as to make Israel indefensible and softened up for the final assault. The web of lies and myths that the Arab propaganda machine has created plays an important role in the unrelenting quest to destroy the State of Israel. What a shame that the world has accepted most of it!

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brothels, saloons, tenements.

There were scattered instances of interracial solidarity, to be sure. In the notorious precinct of Five Points (the mixed neighborhood where *Gangs of New York* is set), black and white neighbors congregated on the upper floors of tenements and poured boiling starch (the weapon of washerwomen) onto the mobs below. But the few instances did not affect the aftermath. Hundreds of blacks fled the city. Five months later, when a chastened elite raised an all-black regiment and marched the men through the streets to the docks to board ships to take them south to the battlefields, the soldiers paraded through a noticeably altered city.

IT IS A JOY TO MULL OVER COMPLICATED books that recognize a complicated past. For a good ten years now, "whiteness studies" has dominated the graduate seminars, sucking up the intellectual oxygen as *le dernier mot* in the study of race and racism. Hollow and ideologically driven, whiteness books piled up one abstraction after another; and archival research and detailed knowledge of antebellum society and local circumstances were sorely absent, as Eric Arnesen recently pointed out in these pages. *Stories of Freedom in Black New York* and *In the Shadow of Slavery* signal an important turn to a history that offers surprises instead of confirming suppositions. White and Harris are both very smart, and they have written books possessing the historian's virtue of patience: to parse minute shreds of evidence, to trudge through pages of numbing newspaper print, to identify who exactly were the white supporters of the Colored Orphan Asylum, to discover why their identity matters. They did so not to indulge in mindless empiricism (a charge sometimes leveled at advocates of deep archival work) but in order to figure out if what they believed to be true was, according to evidence, in fact true. You would think this was an occupational definition of historical work, but historians do not always see it this way.

Perhaps it is owing to their intelligent openness to surprise that these two historians write so well about New York, an exceedingly surprising place and not always happily so. Their books give us a New York that we can recognize rather than a stage for melodrama or ideology. It is finally a dismaying tale. The city gave brash and gifted people an opening, then shut it down. The tragedy was contingent on metropolitan circumstances that never really were black and white. ■

Lawrence Lipking Pepys Show

SAMUEL PEPYS: THE UNEQUALLED SELF
by Claire Tomalin
(Alfred A. Knopf, 470 pp., \$30)

IN THE SUMMER OF 1665, A GREAT plague descended on London. The sickness spread like an invisible fire, fueled by anyone who helplessly crossed its path. Stealing from west to east, at last it penetrated the walls of the city. People of means and fashion fled to the country, while the bodies of those who could not escape were piled in carts and dumped into pits. Preachers cried up the wrath of a vengeful God; quacks peddled their cure-alls until they too succumbed. The city became a vast prison: watchmen guarded the doors of infected houses, sealing the doom of the inmates. Grass grew in the desolate streets. Eventually one hundred thousand people died, one-sixth of the city's population. These were among the happiest days of Samuel Pepys's life.

It is not that Pepys was callous. The reason we know about his happiness, in fact, is that he keeps fussing about it. How strange, to feel so good while so many poor wretches are dying! "I do end this month with the greatest content, and may say that these last three months, for joy, health, and profit, have been much the greatest that ever I received in all my life in any twelve months almost in my life—having nothing upon me but the consideration of the sickliness of the season during this great plague to mortify mee," he wrote. "For all which the Lord God be praised!"

In truth, Pepys did have much for which to be thankful. His appetite and his energy seemed to be boundless. As a rising star in the Navy Office, he mixed with the great and powerful, and found opportunities to make loads of money; with his wife safely away in Woolwich, he could pursue women freely; he organized an elegant aristocratic wedding that made him feel like an important person; he flitted about on business; and in his spare time he hosted parties with merry music and dancing. Staying alive was proof of God's favor (apparently the fleas that carried the plague did not relish the

taste of his blood). Each drop of life, at such a time, was sweet.

Even his dreams could be turned to advantage. One night he enjoyed the king's most beautiful mistress,

the best that ever was dreamed—which was, that I had my Lady Castlemayne in my arms and was admitted to use all the dalliance I desired with her, and then dreamed that this could not be awake but that it was only a dream. But that since it was a dream and that I took so much real pleasure in it, what a happy thing it would be, if when we are in our graves (as Shakespeare resembles it), we could dream, and dream but such dreams as this—that then we should not need to be so fearful of death as we are this plague-time.

In Pepys's good mood, to be or not to be might be equally productive of pleasure. Hence Hamlet's dread of the dreams that may come "in that sleep of death" melts into eternal erotic bliss.

A happy wet dream can make someone's day, despite or because of the plague. But not many people admit or bask in such self-indulgence. Pepys does, when he whispers into the ear of his journals; it is one thing that makes him human. In every way he is a self-interested man, perpetually looking after number one, surprising himself, conniving at snatching some profit or fresh sensation. Nothing can quench that interest. A famous sentence of Camus's *The Plague* maintains, "No longer were there individual destinies; only a collective destiny, made of plague and the emotions shared by all." But Pepys is not so high-minded; he holds on to an individual destiny and does not pretend to share collective emotions. Though fully engaged in the public affairs of the day, at night, in his diaries, he contracts the world into what truly matters to him, and there the world is centered on himself.

CLAIRE TOMALIN APPRECIATES that world. One problem in any biography of Pepys is conveying the shock that awaits every new reader of the diaries, their amazing intimacy and candor. From 1660 to 1669,

Lawrence Lipking is currently writing a book on the role of imagination in the scientific revolution.

when he began to fear for his eyes, Pepys filled notebooks with about 1.25 million words, in shorthand and sometimes a polyglot pidgin. He may or may not have intended them to be read, but at his death in 1703 he left them, along with the rest of his books, to the library of Magdalene College, Cambridge. There they reposed for more than a century. Finally a drastically edited transcript was published in 1825, then other, expanded versions appeared; the complete text came to light only in 1970, in the superb edition of Robert Latham and William Matthews.

This peculiar history adds to the charm of Pepys's writing. It is as if each reader were prying into a secret cabinet, cracking a code, and suddenly present inside the text—not so much meeting the author face-to-face as seeing with his eyes. One almost feels guilty at coming so close. Tomalin keeps this experience fresh. Though long acquaintance has made Pepys familiar to her, she never forgets the surprise: somehow dead hopes and passions have come back to life. The opening scene of this biography watches Pepys watching himself as he argues viciously with his wife, at first in bed and then as he roams the room, half dressed, while tearing up her private papers (including his own love letters). All this is almost too shameful to read. How can we still be friends with this man? But of course we want more.

We also want to understand the context. For all their vividness, the diaries are far from self-explanatory. Pepys does not have time to interpret what he is doing. Nor is it his business to tell us how he spent the first part of his life (the diaries begin when he is nearly twenty-seven), who his relatives and mistresses are, how English society is structured, what history has shaped the present day, or what is going to happen in the future. He does give us the daily news, quite wonderfully, but no map of London. Some readers might enjoy the clutter and buzz into which the diaries thrust them; a skimpy background seems a small price to pay for such immediacy. But other readers will want a fuller picture.

Tomalin offers an excellent guided tour. She sorts out the complex political and family relationships that one must know in order to make sense of Pepys's career; she colorfully sketches the habits and street life of seventeenth-century London; she shows us another possible way of viewing her subject, in which the diarist counts for less than the administrator who re-organized the navy—the hero as bureaucrat (as in the older studies of Pepys by John Tanner and Arthur Bryant). This book makes it easy to get

around in Pepys's world. It includes a family tree, nice maps, a useful list that identifies principal figures (where we can find that Lady Castlemaine was Barbara Villiers and later the duchess of Cleveland), and good notes and illustrations. And Tomalin does her best to bring Pepys's early and later years to life as vividly as the years of the diaries—though no one but him could have finished the job.

The portrait of Elizabeth Pepys is especially fine. Married to Samuel in 1655, when he was twenty-two and she was fourteen, she brought good looks, intelligence, and a bit

of style (she had grown up in Paris), but no money and not much sexual satisfaction. (A recurrent cyst made intercourse painful for her, and the couple never managed to have a child.) At times he was happy and proud of her; at times he abused her, including occasional blows. But Elizabeth held her own. As Tomalin shows, she never stopped scrapping, and turned the tables on his affairs by flirting and making him jealous. And when she caught him embracing her maid, Deb Willet, “con my hand sub su coats; and ended, I was with my main in her cunny,” her rage put her in charge. A full-scale family war

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broke out. Pepys sheepishly heard her insults, followed her orders (when he could not sneak away), and eventually gave Deb up. Unfortunately Elizabeth's ascendance did not last. She died quite suddenly the following year, just after her twenty-ninth birthday. The memorial bust of her that Pepys commissioned still survives. "She is shown as though in mid conversation," Tomalin writes, "slightly smiling, her mouth open and her eyes wide, still intent on the comedy of the world."

That description also catches the tone of this book. Tomalin is lively, amused, and worldly. Though quite aware that Pepys exposes himself as "lecher and liar," she loves the humanist in him, the frisky skeptic enthralled by the way that people really behave. After all, *così fan tutte*—and *tutti*, too. "What he expressed in his Diary was what many—most, perhaps—men feel at some time in their lives, when success is within their grasp and their energies are running high: that they would like to possess every pretty girl in the world, or at least to make love to every girl who catches their eye as she passes by in the street," she writes. Similarly, if Pepys used his office as "surveyor-general of victualling for the navy" to cash in on "presents" from the suppliers, he was only doing what any enterprising steward would have done. Such behavior may be corrupt, but it is all in the way of the world.

Moreover, it suits London. Pepys's virtues and vices alike belong to the city, the place where he was born, above his father's tailoring shop, and which he made his own. Something was always happening around the corner: royal weddings and royal beheadings, parades and riots, one year a plague and another a fire. Pepys keeps his nose in everybody's business. He delights in a well-acted play or a hot piece of gossip; he revels in music and gadgets and new scientific ideas (in 1684 he was elected president of the Royal Society and put it in trim, as he did with the navy). And though he pays homage to rank and fortune, his eyes are always wide open.

One day he went to a council meeting in Whitehall. "All I observed there is the silliness of the King, playing with his dog all the while, or his codpiece, and not minding the business, and what he said was mighty weak; but my Lord Keeper I ob-

Oakland Work Crew

Dan wrote, My life is a nine with the hammer
cocked,
chuckled, told of standing on a browned lawn
naked, three hundred pounds of pure
Mick-Spic,
shooting at a Chevelle, tire marks on concrete.
Told how, *inside*, you heat a sharpened Bic
and a guy carves DannyBoy or Norteño on
your neck.

Prince wrote of faint patterns on ceiling tiles
in his dreams and a pot with a ten in it when
he finds
where color begins. He brought a picture:

he's thirteen,
Liberia, wide smile, fatigues, kalashnikov
hugging his shoulder. Told of barefoot soccer,
running on bricks, the grace of a clean pass.

Rich wrote, I'm worth more than someone
I meet,
then of his daughter, his girl's body, and ladies
here, there. He explained what it means to be
a baldhead, why, if he sees a Sudeño on Third,
he can't be held responsible for what'll happen.
Told us which old school Cutlass' is *bella* tight.

Larry wrote, High as an Oaktown sky,
that's all he told, aside from seeing vines
or brush or poison oak we cut and pulled
as a J with a hit so big he'd vanish. Never
told us what we knew: clapboard house,
cracked talk, brothers to keep in shoes.

And I went home and wrote a lover, told
how far hills were no matter where I drove,
how I didn't know what it was to be a tatted
baldhead, raise kids, play barefoot in the street,
one eye on the hammer, one ear to the barrel,
hearing a seashell inside the chamber.

GIBSON FAY-LEBLANC

[REDACTED]

serve to be a mighty able man." Later that day he took his wife to Bartholomew Fair to see a Punch and Judy show, then "sent for a side of pig" that he ate at the house of an acquaintance, where he inspected "some learned physique and Chymical Bookes," then dropped in on *Mustapha*, a grandiloquent tragedy that he admired despite some fluffs that broke up the actors, and ended the evening by chatting at home with friends. And so to supper and bed. Days in the city can be amazingly full.

For city people this life often seems a heaven on earth. Not a moment is empty, with so many things to do and so many people to meet, and when one pleasure has jaded another elbows it quickly out of the way. Curiosity is the essential virtue for someone like Pepys. Perpetually on the qui vive, he flits through the streets, and infinite riches pave his nimble steps. The diaries capture the lure of the city. In the golden days of the "Talk of the Town," before *The New Yorker* succumbed to celebrity fever, all its writers wanted to be Pepys—supremely unshockable and urbane, shielded by the crisp prose of Strunk and White from anything vulgar or fancy, tickled by all the fabulous cranks who popped into view, and never absorbed enough by a scene or idea to be tempted to linger. The blood of city people is stirred by rumors of a great party on the next block.

A country mouse might be overwhelmed by this bustle. From the perspective of honest squires and moral censors, life in the city can seem a shortcut to hell. Pepys himself was afraid of being seen at the playhouse, a frivolity or laxity that his superiors might condemn, and the debauchery of the court sometimes disgusted him, even while he imitated it. Guilt flavors his whoring and drinking. Pepys came from puritan stock, and he does not forget that God might be looking over his shoulder. On occasion the naval official takes kickbacks, cheats friends out of money, and lies under oath. That is just what a country moralist would expect and a cynical courtier would take for granted. But city people have to grow thick hides or sum things up, like Pepys, one day at a time.

From day to day life might change. It was not only London and Pepys but the times themselves that were caught in a whirlwind. We moderns, the heirs of Henry Adams, like to imagine that no one has ever had to adapt so fast to so many new ways of being. The latest technological wrinkles leave us gasping for air while consciousness limps behind. But Pepys's world moved just as quickly. At fifteen "a great roundhead," he watched the execution of Charles I and told his schoolmates "that were I to preach upon him, my text should be: 'The memory of the wicked shall rot.'" He began his career by clerking for his cousin Edward Montagu, one of Oli-

ver Cromwell's stalwarts. But after Cromwell died in 1658, Montagu secretly came to terms with the royalists, and early in 1660 he asked Pepys to accompany him on a mission to bring the son of Charles I home to England. The project was a success; and when Pepys read aloud the new king's letter to the fleet, "the seamen did all of them cry out 'God bless King Charles!' with the greatest joy imaginable." Soon Montagu would be the earl of Sandwich, and Pepys a loyal servant of the crown. Meanwhile some former comrades lost their heads.

Survivors had to be ready to turn their coats. In 1659 John Dryden, who had been at Cambridge with Pepys and shared many sympathies with him, published his "Heroic Stanzas, Consecrated to the Glorious Memory of his most Serene and Renowned Highness Oliver, Late Lord Protector of this Commonwealth." The following year he published "Astraea Redux, A Poem on the Happy Restoration and Return of His Sacred Majesty Charles the Second." To encourage the others, Cromwell's head was chopped from his corpse and hung on a pole near the houses of Parliament, where it sat for twenty-five years. This played with people's minds. Dryden and Pepys had grown up in righteous households, but now libertinism seemed to be their civic duty.

Nor did the wheel stop turning. When Lord Sandwich fell from power in 1665, Pepys deftly disengaged himself from his great patron and henceforth avoided him like the plague. Worse was to come. The higher Pepys rose, the more enemies he attracted, particularly Anthony Ashley Cooper, the first earl of Shaftesbury, an old Cromwellian who knew how to nurse a grudge. When Titus Oates cooked up the Popish Plot in 1678 and hysteria about a Catholic takeover reduced the whole government to "such a state of distraction and fear, as no history I believe can parallel" (in Pepys's words), Shaftesbury struck. At the navy office Pepys had long served the duke of York, a devoted Catholic and the king's brother. Now guilt by association tainted the office. Pepys was accused of papist subversion and cast into the Tower. The evidence was ridiculously bogus—Pepys was never a Catholic, let alone a traitor—and soon he was free. But he did not get his job back. Charles II took care of dogs, hawks, and horses, but not his old servants.

One full turn of the wheel was left. A few years later Shaftesbury sank, with the new Whig party he founded, and Dryden imposed the name of Achitophel on him forever. Pepys discovered that he himself was a

Tory, and that was a good thing to be. As the duke of York rose in power and finally, in 1685, was crowned James II, his friends also rose. For a shining moment Pepys had the ear and the trust of the king. But the Glorious Revolution of 1688 sent James into exile, and his faithful retainer, after a short stay in prison, to permanent retirement.

THE REST OF PEPYS'S LIFE PASSED comfortably enough, by the standards of the times. He still had some money, as well as friends to look after him when he fell ill. Mary Skinner, a cultivated woman who had become his mistress not long after Elizabeth's death, gave him the ease of having a wife without any formal commitment. He published a little defense of his work in the Navy Office, and set his library in order. And before he died he took some pains to make sure that his books—and those six secret notebooks in shorthand—would find a safe haven.

Perhaps he had even managed to slow the revolutions of time. During those decades of rapid and frightening change, poets such as Dryden worried about the survival of English itself. Already Shakespeare's language was decomposing; to keep the plays alive, Dryden and other surgeons did them the favor of modernization, reviving *Antony and Cleopatra* as *All for Love*. Meanwhile the propaganda of cults and factions had twisted the meanings of time-honored English words, including "authority" and "the people." Would the next generation be able to understand what its parents had written? That seemed unlikely, just as unlikely as the survival of Chaucer, a poet Pepys loved. But Dryden, encouraged by his fellow outcast Pepys, converted some tales of Chaucer into snappy modern verse, and the public lapped them up. Nor did the next generation have any trouble reading Dryden.

Age has not withered Pepys either. Tomalin ranks him among the great writers, and a final plaudit brings in Milton, Dickens, and Proust. That air seems too rare for Pepys, who flew under the radar. But Tomalin is more convincing when she notes how close the language of the diaries comes to speech and what a fine ear the diarist has for the various ways that people talk. This stripped, spontaneous prose was made to last. Pepys did not write nearly so well in other, more public styles; evidently short-hand, like the prospect of hanging, concentrates the mind. But his greatest gift is simply paying attention to what he is thinking and doing and seeing and hearing. He tries not to lose a single tick of the clock.

In his final diary entry, Pepys describes

another typical day: making a pass at an old flame whose husband is out of town, consulting with the duke of York at Whitehall, drowning his cares at a drinking house called the World's End. Then he says goodbye to his journal. "I must forbear; and therefore resolve from this time forward to have it kept by my people in longhand, and must therefore be contented to set down no more than is fit for them and all the world to know." Longhand and decorum are equally deadly, and when writing goes, life will go with it. "And so I betake myself that course which [is] almost as much as to see myself go into my grave."

Beneath the entry Pepys inscribes the date, May 31, 1669, and a monogram that elegantly twines his initials together (his bookplate, on the same page, anchors the S and P in a sailor's knot). This monogram might be considered a signature, a mark of pride or possession, or even the trace of an epitaph—*hic jacet*, more than thirty years premature. But it also serves as one last lively flourish. Hugging himself, the underground writer takes leave of the readers he will never know, who yet will know him inside. Here is his blazon, his strut. Pepys is still winking at us. ■

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TOKYO DIARIST

Weapons Grade

A JAPANESE FRIEND IS SO terrified of North Korea she can't even bear to utter the country's name. She calls it "The Peninsula," and any interaction with it, however fleeting, sends her into a cold panic. Several years ago, she received a collect call from The Peninsula's capital, Pyongyang. It turned out to be a wrong number, but her voice still quakes when she talks about it. When The Peninsula recently confessed to abducting eleven Japanese citizens in the 1970s and 1980s and began rattling its nuclear saber, her worst fears were confirmed.

NORTH KOREA'S TEST OF A CRUISE MISSILE on Monday, the second in as many weeks, rattled nerves across Japan. And for good reason. It would take only ten minutes for one of Pyongyang's Nodong missiles to reach downtown Tokyo, and there is nothing Japan could do to stop it. The missiles could be tipped with chemical or biological weapons or, if North Korea continues down its plutonium path, with a nuclear warhead. This threat has forced Japan to seriously question its military preparedness for perhaps the first time in half a century. There are new, urgent calls in the press and among some leading politicians to revise the country's "peace constitution," attempts to forge a defense policy independent of the United States, and a few right-wing mavericks, such as Shintaro Ishihara, governor of Tokyo, have even broached the ultimate taboo: Japanese nuclear weapons. These are by no means majority views, but North Korean leader Kim Jong Il has accomplished what generations of American presidents could not: He has jolted Japan out of its stupor of peace.

IT'S ABOUT TIME. FOR DECADES, JAPAN has hidden behind its peace constitution, and under America's "nuclear umbrella," to avoid making difficult choices: Does Tokyo want to remain a quasi-satellite of the United States, or will it take responsibility for its own defense? Is Japan willing to go to war, and, if so, under what circumstances? On its own behalf? In support of allies? By dodging these questions, Japan undermines its own aspirations of becoming a truly global power. "Japan urgently needs such a debate if it is to respond to a world exposed to the threat

of terrorism and gripped by fear," said former Foreign Minister Makiko Tanaka on March 5, writing in *The Korea Herald*.

JAPAN'S PEACE CONSTITUTION WAS BEQUEATHED by the United States after World War II, when Japanese forces committed horrific war crimes throughout East Asia. Article 9, in particular, may be the most noble and optimistic national security doctrine ever penned. "[T]he Japanese people," it says, "forever renounce war as a sovereign right of the nation" and will never maintain "land, sea and air forces." But Article 9 was troublesome from the start. The ink had barely dried when General Douglas MacArthur, head of the Allied Occupation Forces in Japan, looking for allies in the cold war, regretted having suggested those words. When the Korean War erupted, the United States needed Tokyo's military help, and so Japan's Self-Defense Forces were born. Today, they are well-equipped and well-trained, with the world's fourth-largest military budget. Yet they are an army (OK, a self-defense force) with no clear mission. Japanese troops taking part in U.N. peacekeeping operations over the past decade have been largely relegated — by mutual consent — to "support" missions such as delivering laundry.

YOU CAN'T BLAME THE JAPANESE FOR GIVING security concerns short shrift. They live in one of the safest countries in the world, a self-contained Disneyland — clean, safe, and far removed from the troubled world outside. They have not come under military attack since World War II, and, other than in 1995, when a religious cult sprayed sarin nerve gas on a Tokyo subway, they have been spared major terrorist attacks as well. Their Asian neighbors are also in no hurry to see their former colonial master reemerge as a military power. But the North Korean threat is never distant: Should war on the Korean peninsula break out again, Kim Jong Il might target Japan first rather than Seoul. (Animosity toward their former colonial rulers in Tokyo still bonds the two Koreas.) Which helps explain recent comments by Shigeru Ishiba, head of Japan's Defense Agency. If North Korea were about to launch a missile toward Japan, he said, Tokyo would be entitled to attack first — a preemptive strike straight out of President Bush's playbook.

Not long ago, such muscular comments from a senior Japanese official would have led to furious public outcry, followed by a deep, remorseful bow and a swift resignation. Yet Ishiba's comments hardly caused a ripple.

TO BE FAIR, HIS TALK WAS MOSTLY BLUSTER. Japan doesn't actually have aircraft capable of carrying out such a preemptive strike. But things are changing: On March 28, it will launch two spy satellites, its first ever. In addition, Japan has ordered two refueling aircraft, which will enable it to strike farther from its shores. And, in December 2001, the Japanese sank a suspected North Korean spy ship — the first time Japanese servicemen had fired hostilely since World War II. A few Japanese want to take their newfound militarism a step further. If North Korea goes nuclear, they argue, so too should Japan. In a recent issue of *Voice* magazine, respected Kyoto University Professor Terumasa Nakanishi wrote, "The best way for Japan to avoid being the target of North Korean nuclear missiles is for the prime minister to declare without delay that Japan will arm itself with nuclear weapons." There is little doubt Japan can do just that: It has the plutonium and the technology to churn out nuclear weapons within months.

SOME AMERICAN OFFICIALS LIKE THE idea of a nuclear Japan, or at least the *threat* of a nuclear Japan, as a way of shocking China into pressuring Pyongyang. But Japan is not about to go nuclear anytime soon. Japanese like to say their country suffers from a "nuclear allergy." That is putting it mildly. The wounds of Hiroshima and Nagasaki are still raw. For the vast majority of Japanese, producing nuclear weapons of their own, while perhaps a shortcut to international prestige, is simply unthinkable. So what role can Japan play on the world stage? Checkbook diplomacy is not the answer: Kuwait didn't even bother to acknowledge Japan's \$13 billion contribution to the Gulf war. One peace activist here told me that Japan's ideal role in the world is that of conscientious objector, a reminder of what happens when imperial ambition goes unchecked. If so, at the end of its emerging debate, Japan will publicly reaffirm its loyalty to the peace constitution. At least then it will have made an active choice. As things stand now, Northeast Asia is sliding into crisis, and Japan is stuck in a kind of passive pacifism. And there is nothing noble about that.

ERIC WEINER

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Our Schools and Our Future:...Are We Still at Risk?

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It wasn't a "code orange" alert from the Department of Homeland Security, but twenty years ago the National Commission on Excellence in Education's landmark report, *A Nation at Risk*, was a warning as dire as many had heard from Washington, D.C., in years.

The commission's report hit like a bomb when it declared that the weak performance of America's schools placed the nation itself at risk: "If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war.... We have, in effect, been committing an act of unthinking, unilateral educational disarmament." More damning was the report's dire warning that the foundations of American education were "being eroded by a rising tide of mediocrity that threatens our very future as a nation and a people."

The commission expected its good advice to cause school boards, legislators, teachers, parents, and students to change direction. It assumed that the education system possessed both the capacity and the will to improve and that the missing ingredient was clear direction.

On the eve of the twentieth anniversary (April 1983) of the report, enough time has passed to assess its impact. The Hoover Institution's Koret Task Force on K-12 Education has just released such an appraisal, *Our Schools and Our Future:...Are We Still at Risk?* The task force finds that the commission, "for all its goodwill, did a better job diagnosing the problem than prescribing an effective remedy."

The task force, having discovered that the tide of educational mediocrity is still rising, unlike the 1983 commission, did not settle for merely diagnosing the problem. Its members call for three major reforms: transparency, accountability, and choice.

To achieve transparency, schools need clear standards and accurate measurement tools. Prodded by the No Child Left Behind Act, the nation is beginning to put these standards and tools in place. Transparency, however, must be connected to accountability.

For accountability to work, parents must be able to choose their schools. Unless children can leave bad schools for better ones, reform will fall short. The school choice movement has recently made significant strides, opening thousands of charter schools, experimenting with school vouchers, and bringing into being an industry devoted to managing public schools for districts and charter school boards.

Choice will be even more effective, the Koret Task Force believes, when schools become transparent and accountable institutions. Accountability systems make school performance clear to the outside world. Parents need such information to make wise choices.

In combination, the three strategies—accountability, choice, and transparency—will transform our education system into one that will, at long last, live up to the principles put forth twenty years ago by the National Commission on Excellence in Education.

— Chester E. Finn Jr.

Paid for by the Hoover Institution, Stanford University



Interested in reading more?

Contact us to receive a complimentary copy of chapter one, the Findings and Recommendations of the Koret Task Force on K-12 Education.



SBC said they really, really needed "a coherent, preemptive federal broadband policy."¹

SBC promised Congress that they would 'wire rural America' if they could get it.

SBC assured the FCC that it would result in billions in new network investments.

So the FCC took them up on their offer
and what is SBC doing?

Nothing
except backing away from their promise to invest.²

SBC got what they wanted on broadband.

"Lehman Brothers analyst Steve Levy said the FCC decision freed the Baby Bells to make investments in broadband services."
Reuters, 2/21/03

Now they're backing out of their promise to invest.

"...James C. Smith, a senior vice president at telephone giant SBC Communications Inc., said the decision negated the benefits of the deregulation of broadband service. The ruling means that the phone companies have 'no additional incentive' to invest in new networks, he said, and they would not do so."
Washington Post, February 21, 2003

Makes one wonder...

"'Considering the Bells got almost precisely the broadband relief they requested, relief they argued would lead to increased investment, their change of heart makes you wonder whether they really want to increase spending at this time,' said one Bush administration official who insisted on anonymity."
Washington Post, February 25, 2003

...were they ever going to invest?



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¹SBC Release, 1/14/02; ²"Bell Firms Pledge to Fight New FCC Rules", Washington Post, 2/25/03